

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

Wednesday, February 21, 2018, at 5:30 P.M.

Council Chambers, Municipal Office, 3131 Old Perth Rd., Almonte

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. DISCLOSURE OF PECUNIARY INTEREST

D. APPROVAL OF MINUTES

1. Committee of Adjustment – **Pages 1 to 4**
Committee motion to approve the Committee of Adjustment Minutes from the meeting held on January 17th, 2018.

E. NEW BUSINESS

None.

F. HEARINGS

1. **Application A-01-18 – Pages 5 to 14**

Owner: 4437535 Canada Inc.

Applicant: 2476342 Ontario Inc.

Legal Description: Plan 6262, Cameron Section, Part Lot F,
Plan 27R-10622, Part 3

Ward: Almonte

Zoning: Residential First Density (R1)

The applicant is requesting to reduce the rear yard setback of a future single-detached dwelling from 7.5m (24.61ft) to 4.67m (15.32ft) to accommodate a proposed building footprint while complying to sight-line triangle and driveway setback requirements for lots located at street intersections.

G. OTHER BUSINESS

None

H. ANNOUNCEMENTS

I. ADJOURNMENT

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

Wednesday, January 17th, 2018, at 5:30 P.M.

Council Chambers, Municipal Office, 3131 Old Perth Rd., Almonte

PRESENT: Patricia McCann-MacMillan (Chair)
Stacey Blair
Christa Lowry

ABSENT: None

APPLICANTS: A-11-17: Jerry & Heather Leonard

STAFF: Andrew Scanlan Dickie, Junior Planner, Recording Secretary

Planner called the meeting to order at 5:31 p.m.

A. APPROVAL OF AGENDA

Moved by Christa Lowry
Seconded by Stacey Blair
THAT the Agenda be accepted.

CARRIED

B. DISCLOSURE OF PECUNIARY INTEREST

None

C. APPROVAL OF MINUTES

1. **JULY 19, 2017 MEETING**
Moved by Patricia McCann-MacMillan
Seconded by Stacey Blair
THAT the Minutes be accepted.

CARRIED

2. **DECEMBER 13, 2017 MEETING**
Moved by Stacey Blair
Seconded by Christa Lowry
THAT the Minutes be accepted.

CARRIED

D. NEW BUSINESS

None.

E. HEARINGS:

1. Application A-11-17

Owners:	Jerry & Heather Leonard
Municipal Address:	314 Bellamy Mills Road
Legal Description:	Concession 5, East ½ Part Lot 25
Ward:	Ramsay
Zoning:	Rural (RU)

The applicant requested from the Committee of Adjustment permission to reduce the minimum required frontage for a landlocked parcel from 45m to 0m to facilitate the legal construction of a future dwelling, subject to Municipal approval for a laneway along the unopened road allowance north of Concession 6D.

The Chair asked the Planner to provide additional information. The Planner indicated that the lot did not have frontage on a maintained road allowance, but the eastern corner was within 30m of Bellamy Road; that the proposed laneway, by being on an unopened road allowance, would still be useable by the public; and that the intent of the policy was interpreted to require a road/laneway that can be adequately accessed by an emergency vehicle. Further, conditions of the Minor Variance included that the proposed laneway be built to the satisfaction of the Director of Roads & Public Works and the Fire Chief.

The Chair opened the floor to the applicant to add more information, who highlighted conversations with the Roads & Public Works (PW) department about the location and type of road that would be required, and that members of PW staff visited the site and provided initial support of the project.

Next, four (4) members of the public spoke to the application: Mr. Cochran, Mr. Stewart, Mr. Bulger, and Mr. Burtrand. Details of past and present disagreements between neighbours were brought forward, stemming from an incident regarding access to a neighbouring landlocked property to the north of the subject lands along the unopened road allowance. The Chair reminded those in attendance that the floor was to address specific concerns and not to discuss civil matters. Concerns relayed to the Committee were: (1) the need for blasting of a potential 20-foot increase in rocky elevation, how it would impact nearby foundations, and how would it impact wells; (2) that an Environmental Assessment (EA) be required to assess the impacts of clearing the unopened road allowance on vegetation and wildlife; (3) that the Municipality not give any favours and that practice be carried forward for future applications; (4) that municipal vehicles would overtime take on responsibility of maintaining the laneway; and (5) that the civil matter be addressed exterior to the application.

The Chair asked the Planner to explain the intent of the application for clarification, who stated that the decrease in frontage was to legally permit the applicant to receive a building permit for a new home and that the laneway was not the issue at hand, but rather complimentary to the application.

Asked whether they would like to speak again, the applicant re-stated that PW had visited the site and provided direction for building the laneway. Further, he reminded the public that the laneway was not in question, but rather the relief of frontage required for a building permit.

Two members of Council, Councillor Edwards and Councillor Wilkinson, also shared concerns with the application: (1) the Municipality's policy historically does not support the decrease in frontage, thus allowing the requested relief would be dramatic and not minor; (2) the precedent that the application would set for future requests of the same nature; and (3) the civil matter should be resolved exterior to this application. Further comment was also made that the Municipality should examine the legal implications of historic rights-of-way.

Member Blair expressed the importance of dialogue between the applicant and neighbours, but reminded the attendees that a decision is based off the four (4) minor variance tests, with the most applicable being whether the application follows the intent of the Community Official Plan. The consensus among the Committee was that policies do not directly speak to the means of addressing landlocked parcels (such as via private roadways), thus the policy should be interpreted as it is written – that a dwelling shall only be permitted if there is frontage on a maintained road allowance. With that consensus, and that by consequence the application was not minor, the Committee took to a vote. In closing, the Committee encouraged continued communication between landowners to resolve the civil matter.

Moved by Stacey Blair
Seconded by Christa Lowry

THAT the Municipality of Mississippi Mills Committee of Adjustment REFUSES the Minor Variance for the lands legally described as Concession 5, East ½ Part Lot 25, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 314 Bellamy Mills Road, to reduce the minimum required non-farm residential frontage from 45m to 0m to legally recognize the construction of a future single detached dwelling.

CARRIED

F. OTHER BUSINESS

1. Election of Committee Chair

Moved by Christa Lowry
Seconded by Stacey Blair

THAT Patricia McCann-MacMillan continue to serve as Committee Chair for the 2018 term.

2. Committee of Adjustment Meeting Schedule 2018

Moved by Stacey Blair
Seconded by Patricia McCann-MacMillan

THAT the Meeting Schedule of 2018 be approved, with the December 2018 dates to be listed as “to be determined.”

G. ANNOUNCEMENTS

Nicole Dwyer has been hired to serve as the new Director of the Department of Building & Planning and will begin March 1.

H. ADJOURNMENT

There being no further business before the Committee, the meeting was adjourned at 6:40 p.m.

Andrew Scanlan Dickie, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday February 21, 2018 @ 5:30pm
TO: Committee of Adjustment
FROM: Andrew Scanlan Dickie – Junior Planner
SUBJECT: **MINOR VARIANCE APPLICATION A-01-18 (D13-24-18)**
Plan 6262 Cameron Section, Part Lot F, Plan 27R-10622, Part 3
Almonte Ward, Municipality of Mississippi Mills
Located at the Corner of Malcolm Street & Dunn Street
OWNERS: 4437535 Canada Inc.
APPLICANTS: 2476342 Ontario Inc.

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 6262, Cameron Section, Part Lot F, Plan 27R-10622, Part 3, Almonte Ward, Municipality of Mississippi Mills, located at the corner of Malcolm Street & Dunn Street, to reduce the minimum required rear yard setback from 7.5m (24.61ft) to 4.67m (15.32ft) to accommodate a proposed building footprint that complies to sight-line triangle and driveway setback requirements for corner lots, subject to the following conditions:

- 1. that the Minor Variance is approved based on the plans submitted;**
- 2. that the land owner transfers a 4.5m x 4.5m daylighting triangle at the corner of Dunn Street and Malcolm Street to the Municipality, to the satisfaction of the Director of Roads & Public Works;**
- 3. that the applicant/land owner enter into Site Plan Control as required by the Municipality of Mississippi Mills' By-law #15-60; and**
- 4. that the owners obtain all required building permits.**

PURPOSE AND EFFECT

The applicant is requesting to reduce the rear yard setback of a future single-detached dwelling from 7.5m (24.61ft) to 4.67m (15.32ft) to accommodate the proposed building footprint while complying to sight-line triangle and driveway setback requirements for lots located at street intersections. The requested relief is outlined in the table below:

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

Section	Zoning Provision	By-law Requirement	Requested
13.2 Table 13.2A	Minimum Rear Yard Setback	7.5m (24.61ft)	4.67m (15.32ft)

The property is currently vacant and is subject to construction by 2476342 Ontario Inc. The neighbourhood is zoned as “Residential First Density (R1),” within which the building form is primarily single detached dwellings. The applicant submitted an application in May 2017 requesting relief from both the front and rear yard setback to accommodate the same building footprint. After a review of the site plan, the Department of Roads & Public Works identified that the proposed driveway would violate the required 7m setback from the lot lines at an intersection. This setback is related to minimizing sight-line obstructions at street corners and was thus a safety concern. Consequently, the applicant adjusted the location of the home to meet the driveway requirement. The applicant did consider moving the garage to face onto Malcolm Street, but an existing community mailbox limits options. In general, the proposed building is a permitted use; however, the rear yard setback encroachment is non-compliant.

It is important to note that the Comprehensive Zoning By-law #11-83 defines a corner lot front lot lines as being the shortest of the two lines abutting a road. Consequently, although the proposal illustrates the entrance and driveway as being on Dunn Street, the front lot line is along Malcolm Street. Thus, the rear lot line runs perpendicular to Dunn. For reference, Site Plan and Elevations are under the heading “Attachment #1” at the end of this document, while site photos are under “Attachment #2”.

DESCRIPTION OF SUBJECT LANDS

The subject property is located at the western corner of Malcolm Street & Dunn Street, within the Almonte settlement area. The property is ±486.53m² (0.12ac) in size with a frontage of ±18.00m (59.06ft) along Malcolm Street and ±27.00m (88.58ft) along Dunn Street. The property is generally surrounded by low density residential properties. The location of the subject property is depicted in the following photos:

Figure 1 – Property Location

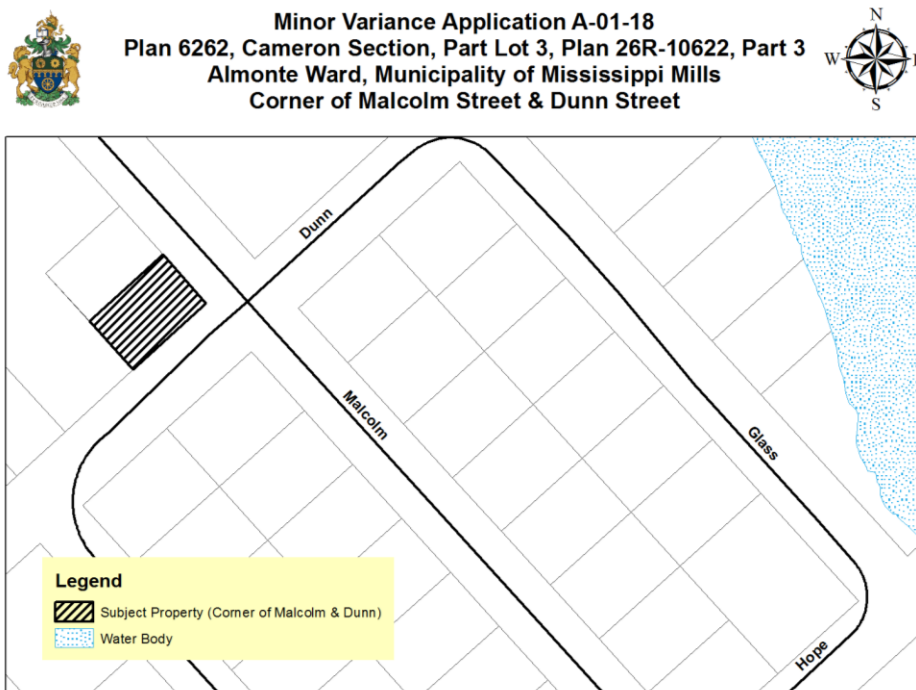
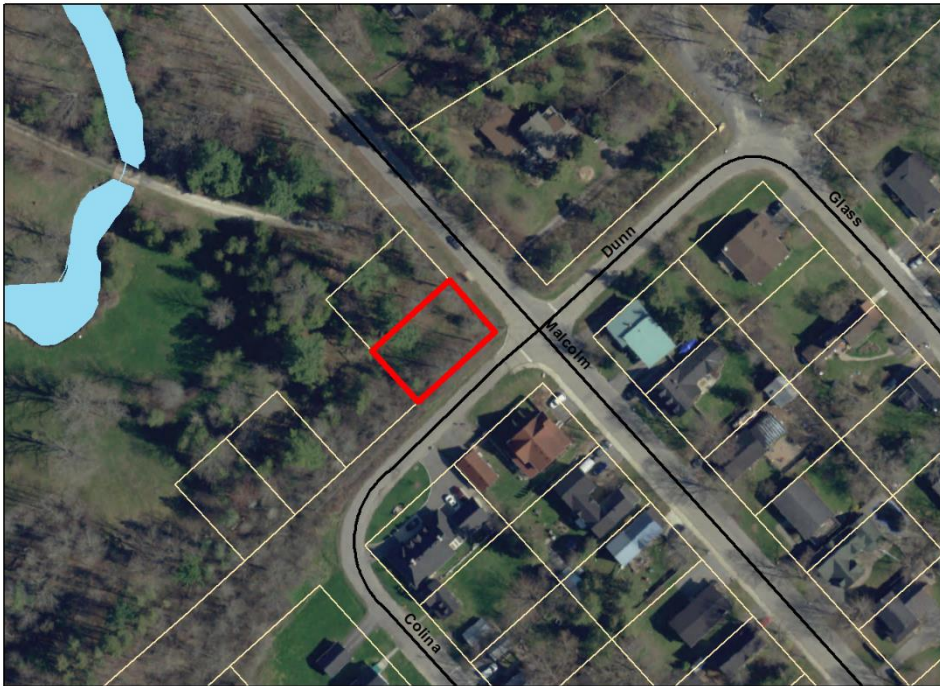


Figure 2 – Aerial Photo (2014)



SERVICING & INFRASTRUCTURE

The subject property will be serviced by municipal water and sewer services from Malcolm Street and will have driveway access from Dunn Street, a municipally owned and maintained road. The municipal servicing and infrastructure demands will not change as a result of the application.

COMMENTS FROM CIRCULATION OF THE APPLICATION

COMMENTS FROM INTERNAL CIRCULATION

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

CAO: No comments received.

Clerk: No comments or concerns.

CBO: No comments received.

Fire Chief: No comments received.

Director of Roads and Public Works: The legal plan does not show any daylighting triangle, and the site plan identifies a 6x6 “sight line triangle”. If we are able to ask for it at this stage, we would like a 4.5 m x 4.5 m daylighting triangle transferred to the Municipality.

Recreation Coordinator: No comments or concerns.

COMMENTS FROM EXTERNAL AGENCIES

No comments have been received from external agencies as of the date this report was prepared.

COMMENTS FROM THE PUBLIC

One comment had been received as of the date this report was prepared. The comment is summarized as follows:

“At the time Bernard Cameron applied for the severance of these lots, I appeared at the hearing and stated that the minimum-sized lots he proposed, while perhaps maximizing his potential profit, did not demonstrate any sort of consistency with the neighborhood at the end of Malcolm Street. Yes, it appeared that they could meet lot requirements, but then, could they really? I thought that it was a mistake for the town to grant Bernard's severance at the time, and now it is apparent that this specific lot in question is simply too small on which to construct a house without further adjustments. The proposed setback is not wise, and, if granted and a home is constructed, will appear to be a glaring error in judgement for all involved.”

The concerns raised by the public will be addressed within the Evaluation section 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 (4) tests set out in the *Planning Act*. Staff comments concerning the application of the four (4) tests to this Minor Variance request are as follows:

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

The subject property is designated “Residential” in the Municipality’s Community Official Plan (COP). The Residential designation permits low and medium density residential uses and accessory uses. The Municipality’s COP does not specifically address or contain policies related to minimum rear yard setbacks for properties located within the Residential designation. As such, the requested variances conform to the general intent and purpose of the COP.

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

The subject property is zoned “Residential First Density (R1)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R1 Zone permits a detached dwelling, accessory apartment, bed and breakfast, garden suite, group home, home-based business, and a park. The owner is applying to reduce the minimum required rear yard to legally recognize a proposed single detached building. All other provisions of the R1 Zone are met, illustrated in following table.

Figure 3 – Zoning Provisions

Zoning Provision	By-law Requirement	Proposed
Min. Lot Area (m ²)	450	486.53
Min. Lot Frontage (m)	18	18
Min. Front Yard Setback (m)	6	7
Min. Side Yard Setback (m)	1.2	1.2
Min. Exterior Side Yard (m)	4.5	4.5
Min. Rear Yard Setback (m)	7.5	4.67
Min. Building Height (m)	9	5.43
Max. Lot Coverage (%)	45	37.7

Minimum Rear Yard Setback Requirement

The intent of the minimum rear yard setback requirement for principal dwellings is to ensure that there is sufficient separation between the building and the rear 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 establish adequate amenity space for the owner.

Maintenance: The variance would reduce the setback by 2.83m (9.28ft) to legally permit the new home location, 0.33m (1.08ft) of which is for a small fire place projection from the rear building wall. The resulting 4.67m setback is sufficient to accommodate building maintenance, even with the proposed deck projection which would be just over 3m (9.84ft) from the rear lot line – the maximum legally permissible projection.

Runoff: The 2.83m reduction may impact water runoff compared to a legally permitted footprint. However, as an infill development, grading and drainage is to be assessed via the Site Plan Control process that would follow minor variance approval.

Privacy Impacts: The lot’s location and the building orientation are unique. The lot’s defined rear yard abuts land that belongs to the 8.9ha (21.9ac) parcel that it was originally severed from in 2013. Said lot already has a home built on it, thereby prohibiting a future dwelling being constructed elsewhere on the property without a Zoning By-law amendment or a further severance. As is, the rear yard abuts Dunn Street, a wood section of the larger lot, and the future adjacent backyard of the neighbouring property along Malcolm Street. The result is no impacts to both the subject and neighbouring properties. Further, with the side yard building wall located 1.2m (3.94ft) from the lot line, an approximate maximum of 7 percent window coverage of the building wall would be permitted. Coupled with being a single-storey dwelling, there would be minimal adverse impacts to privacy.

Amenity Space: The proposed site plan and its residual amenity space was consciously approved by the future property owners and is thus assumed to be to their satisfaction. Whether the space is adequate for their needs is to their discretion and to that of future home buyers. In addition, although the rear yard would be the principal area of outdoor use, the front yard remains useable and can be fenced in, granted the fence does not interfere with sight-line

requirements. Given the above, Staff is of the opinion that the rear yard setback maintains the intent of the Zoning By-law.

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

From the individual owner point of view, the legal recognition of the single detached dwelling is desirable as it would maximize their personal enjoyment of the property. However, Staff questioned whether the proposal fits within the context of the neighbourhood and the Municipality, specifically regarding the positioning of the building entrance along the exterior lot line and the consequent positioning of a blank façade along the front yard line.

Staff conducted a site visit on June 14 2017 as part of the previous application to address the concerns noted above and to recognize the character of the neighbourhood within which the property is located. Lot setbacks along Dunn, Malcolm, and Hope Street stagger in distance, illustrating a wide variety of styles among neighbourhood homes. Consequently, the use of the 4.5m (14.76ft) exterior side yard setback is not out of place. Although lot setbacks typically alternate, the properties, particularly at corners, maintain appealing aesthetics of which the front yard façade would not follow.

Pursuant to the Municipality of Mississippi Mills' design goals, Subsection 4.2.3.1(iii) of the Official Plan regarding Urban Design policies states that development proposals need to demonstrate the physical character of the surrounding built environment. The front lot line wall does not do so, as it is bare and only includes one small window. However, with the front yard setback being adjusted from 4.5m to 7m between the original and current applications, the applicant is no longer requesting relief from the front yard setback and associated comments may be misplaced as part of this particular application process. Nonetheless, Staff recommends that the applicant and land owner incorporate vegetative features within the setback or increase the window coverage along the front yard wall, which would be assessed as part of Site Plan Control.

With that in mind, the proposal would keep to the context of the neighbourhood and the Municipality as a whole as there are no foreseeable negative impacts as a result of the proposed variances. Therefore, Staff is of the opinion that the proposal is appropriate development of the subject lands given restrictions imposed by the intersection setbacks.

4. Is the proposal minor?

The proposed variance to the minimum rear yard setback for single detached dwellings would reduce the requirement from 7.5m (24.61ft) to 4.67m (15.32ft), resulting in a requested relief of 2.83m (9.28ft). This allowance is not insignificant quantitatively, but would likely have negligible impacts to the lot and those neighbouring; the proposal demonstrates no foreseeable maintenance, privacy, or amenity space impacts. Technical matters, such as runoff, would be addressed through Site Plan Control. Therefore, Staff is 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 and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-01-18 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Therefore, Planning Staff 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 or the submission of additional information, and that the applicant adhere to the conditions outlined at the beginning of this report.

All of which is respectfully submitted,

Andrew Scanlan Dickie
Junior Planner

Diane Smithson
Reviewed by CAO

Attachments:

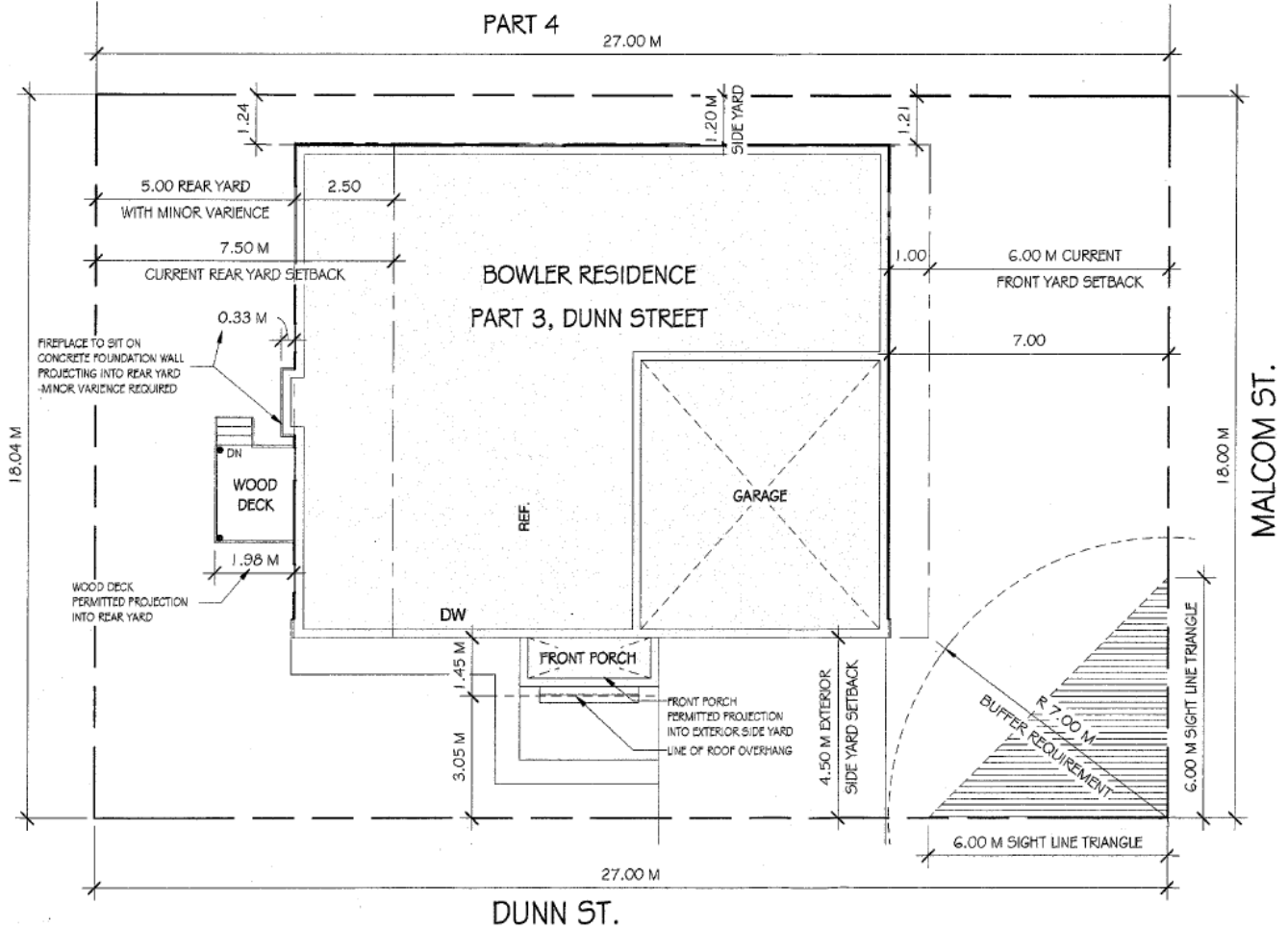
1. Site Plan & Elevations
2. Site Photos

ATTACHMENT #1 – SITE PLAN & ELEVATIONS

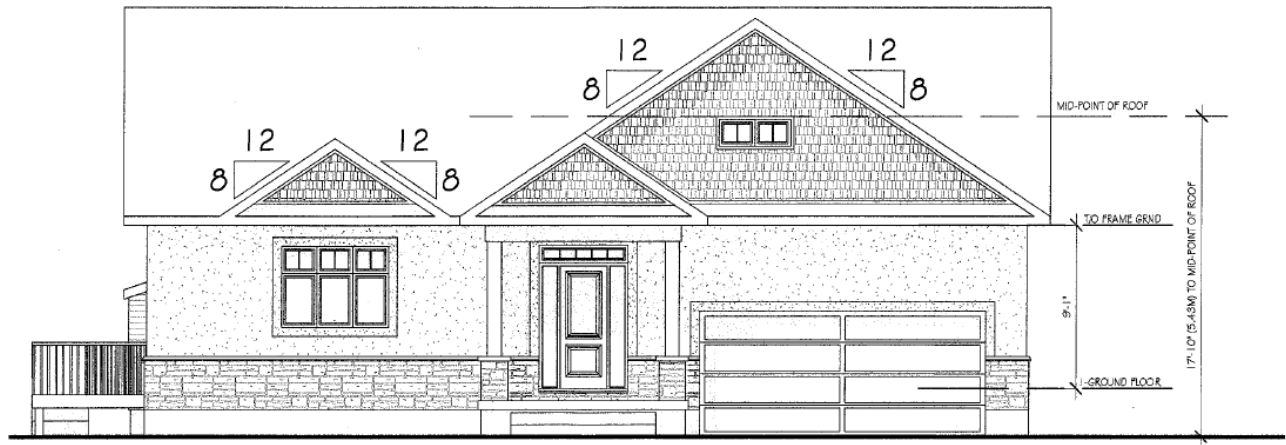
Site Plan

BOWLER RESIDENCE

PART 3, DUNN STREET

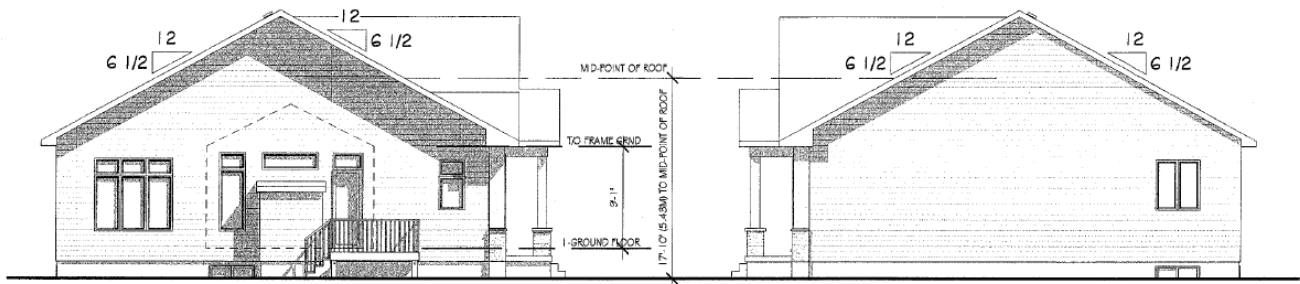


Exterior Side Yard Building Façade



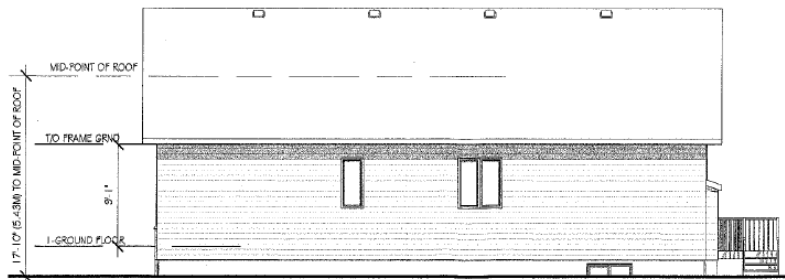
FRONT ELEVATION AT DUNN ST.
SCALE: 3/16" = 1'-0"

Front, Rear, and Interior Yard Building Façades



LEFT ELEVATION
SCALE: 1/8" = 1'-0"

RIGHT ELEVATION AT MALCOM ST.
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

JANUARY 25, 2018

ALL HOUSE RENDERINGS ARE ARTIST CONCEPTIONS. PLANS ARE APPROXIMATE DIMENSIONS. ACTUAL USCA

ATTACHMENT #2 – SITE PHOTOS

Applicant's Property



134 Malcolm Street



134 Malcolm Street



85 Malcolm Street



74 Malcolm Street



84 Colina Street

