

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

Wednesday, April 11, 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 3**
Committee motion to approve the Committee of Adjustment Minutes from the meeting held on March 14th, 2018.

E. NEW BUSINESS

None.

F. HEARINGS

1. Application A-03-18 – Pages 4 to 12

Owner: Rod Ayotte
Legal Description: Plan 6262, Mitcheson Section, Lot 53
Ward: Almonte
Zoning: Residential Second Density (R2)

The applicant is requesting relief from the triplex dwelling minimum lot area and rear yard setback within the Residential Second Density (R2) Zone from 690m² to 618m² and 7.5m to 1.2m, respectively. The relief would legally recognize the future development of a triplex dwelling that would adhere to all other provisions of the R2 Zone.

2. Application A-04-18 – Pages 13 to 31

Owners: Marcus & Katherine Abramenko
Legal Description: Ramsay Concession 8, Northeast Part Lot 17, Plan 26R-1224, Part 1 & Almonte Concession 8, Northeast Part Lot 16, Plan 26R-1224, Part 1
Wards: Ramsay & Almonte
Zoning: Rural (RU) & Development (D)

The applicant is requesting relief from the Minimum Distance Separation (MDS I) setback calculated using the MDS Formula provided through the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA). Section 6.10 of the Comprehensive Zoning By-law #11-83 stipulates that no use shall be erected or altered unless it complies with the MDS I calculation, or unless approved by the Committee of

Adjustment. The relief would reduce the calculated setback of 191m (626ft) to 126m (413ft) to accommodate a single-detached dwelling.

G. OTHER BUSINESS

None.

H. ANNOUNCEMENTS

None.

I. ADJOURNMENT

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

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

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

PRESENT: Stacey Blair (Acting Chair)
Christa Lowry

ABSENT: Patricia McCann-MacMillan

APPLICANTS/PUBLIC: A-02-18: Joe Milroy
Don Marsh
George & Ely Dennie

STAFF: Andrew Scanlan Dickie, Junior Planner, Recording Secretary
Niki Dwyer, Director of Planning

Planner called the meeting to order at 5:30 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. **February 21st, 2018 MEETING**
Moved by Christa Lowry
Seconded by Stacey Blair
THAT the Minutes be accepted.

CARRIED

D. NEW BUSINESS

None.

E. HEARINGS:

1. **Application A-02-18**
Owner: Heather Marsh

Applicant: Joe Milroy (Coach Homes of Ottawa)
Address: 174 Teskey Street
Legal Description: Plan 6262, Kemp Section, Lot 11
Ward: Almonte
Zoning: Residential Second Density (R2)

The applicant requested relief from multiple Zoning By-law provisions to permit the location of a Secondary Dwelling Unit (SDU) to the exterior of a principal dwelling and to allow an increase in its size. Section 8.16 of the Zoning By-law presently requires SDUs to be located within the principal dwelling and to be a maximum of 40% of the principal unit's gross floor area, among other provisions. The relief would legally recognize the construction of a detached independent unit for members of the resident's family.

The Acting Chair asked the planner to provide context to the application. The planner provided the history of the project; notably, the issues that had occurred in Fall 2017 that delayed the construction of living arrangements for immediate family. The planner then outlined the requests, how they fit within current policy, and how the Zoning By-law had yet to be updated to reflect said policy.

Member Lowry asked the planner for more information. She noted that she did not have concerns with the request for increased size, but instead had reservations about changing the wording of a by-law. The planner added that the amendments in wording were verbatim of the Community Official Plan SDU policies and thus the requests served as an update to out-of-date by-laws.

The Committee opened the floor to the applicant, who spoke to his client's situation and the finer details of the project. He noted that the increase in size would not impact the massing of the lot as the lot coverage of the R2 would be adhered to. Furthermore, the location and height of the structure would limit impacts to neighbours. The applicant passed around plans to the Committee, describing what the increase in size (50% of principal unit's gross floor area) meant for the proposal. Specifically, the building was designed for mobility and accessibility, which would be difficult to provide with the 40% limit. The applicant also noted that allowing the request would meet provincial and municipal policy.

The Acting Chair commented that the request did address provincial requirements (being the PPS and Planning Act) and noted that the application appeared to be a way to address changes that are inevitable in the Municipality's future. When it came to precedent, the planner commented that it may have implications for future applications; however, the details and justification provided by the applicant was strong and the precedent would no longer be valid once the Zoning By-law was updated to be in line with the COP. Without additional concern, the Committee took to a vote and passed the following motions:

Moved by Stacey Blair
Seconded by Christa Lowry

THAT the Municipality of Mississippi Mills Committee of Adjustment APPROVES the Minor Variances for the land legally described as Plan 6262, Kemp Section, Lot 11, Almonte Ward, Municipality of Mississippi Mills, municipally known as 184 Teskey Street, to permit a fireplace box projection within 0.75m (2.46ft) of a side lot line, to modify wording within Section 8.16 of the Zoning By-law to adhere to current municipal policy, and to increase the allowable secondary dwelling unit size from 40% to 50% of a principal unit's gross floor area, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted or amended to the satisfaction of the Director of Planning; and**
- 2. That the owners obtain all required building permits.**

FURTHERMORE, THAT the Committee of Adjustment support Staff bringing forward a report to Council for a Zoning By-law Amendment to amend existing Secondary Dwelling Unit provisions to meet the related policies within the Community Official Plan.

CARRIED

F. OTHER BUSINESS

1. OACA Membership:

The Recording Secretary investigated the membership but was not sure of the personal financial implications – to be reassessed. The Chair was absent and thus no update provided.

G. ANNOUNCEMENTS

Niki Dwyer, the new Director of Planning, officially started March 1st. The Committee welcomed Ms. Dwyer, who was present, to the municipality.

H. ADJOURNMENT

There being no further business before the Committee, the meeting was adjourned at 6:05 p.m.

Andrew Scanlan Dickie, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday April 11, 2018 @ 5:30 p.m.
TO: Committee of Adjustment
FROM: Andrew Scanlan Dickie – Junior Planner
SUBJECT: **MINOR VARIANCE APPLICATION A-03-18 (D13-AY-18)**
Plan 6262, Mitcheson Section, Lot 53
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 142 Princess Street
OWNER/APPLICANT: Rod Ayotte

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 6262, Mitcheson Section, Lot 53, Almonte Ward, Municipality of Mississippi Mills, municipally known as 142 Princess Street, to reduce the minimum lot area and rear yard setback to a front lot line from 690m² (7,427.10ft²) to 618m² (6,652.10ft²) and 7.5m (24.60ft) to 1.2m (3.94ft), respectively, to permit the construction of a triplex development, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted or those resubmitted that are to the satisfaction of the Department of Planning;**
- 2. That the owner, if plans include access from Martin St N, receive entrance approval from the County;**
- 3. That the owner enter into Site Plan Control, as per By-law #15-60; and**
- 4. That the owner obtains all required building permits.**

PURPOSE AND EFFECT

The applicant is requesting relief from the triplex dwelling minimum lot area and rear yard setback within the Residential Second Density (R2) Zone from 690m² (7,427.10ft²) to 618m² (6,652.10ft²) and 7.5m (24.60ft) to 1.2m (3.94ft), respectively. The relief would legally recognize the future development of a triplex dwelling that would adhere to all other provisions of the R2 Zone. The specific Minor Variance requests are outlined below:

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

Section	Zoning Provision	By-law Requirement	Requested
Table 14.2A	Triplex Lot Area, minimum (m ²)	690	618
Table 14.2A	Triplex Rear Yard Setback, minimum (m)	7.5	1.2

The fine details of the development have not yet been provided to the Municipality as the requests are a means of verifying the feasibility of a potential project by the landowner. A Site Plan Control application would be required prior to any infill development on the subject property.

DESCRIPTION OF SUBJECT LANDS

The subject property is located at the corner of Princess Street and Martin Street, one street north of Ottawa Street. The lot is ±618m² (0.15ac) in size with a frontage of ±20.72m (67.98ft). It is generally surrounded by low density residential properties but can easily access commercial and institutional uses via Martin Street. The lot is presently occupied by a single-detached dwelling (see Schedule C). The property is depicted in the below aerial photo:

Figure 1. – Aerial Photo of Property (2017)



SERVICING & INFRASTRUCTURE

The subject property is serviced by municipal water and sewer services and has driveway access from Princess Street, a municipally owned and maintained road. The proposal does indicate intentions of locating off-parking along Martin Street, a County owned and maintained road. Although not subject to approval as part of the Minor Variance, comments will be made regarding parking in this report. The municipal servicing and infrastructure demands would change negligibly as a result of the application. However, a Site Plan Control application would have to indicate where and how future potential services would access the site.

COMMENTS FROM CIRCULATION OF THE APPLICATION

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

COMMENTS FROM INTERNAL CIRCULATION

CAO: No concerns.

CBO: No concerns.

Fire Chief: No comments received.

Director of Roads and Public Works: No concerns. A 4.5m x 4.5m daylighting triangle will be required for a future Site Plan Approval.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Department of Planning staff received comments from ORPowerCorp indicating the presence of a hydropole and guidewire in the location of the proposed driveway for Unit #2 on Martin Street. Staff have noted the concern for consideration during the Site Plan review.

COMMENTS FROM THE PUBLIC

Department of Planning staff had not received comments from the public at the time this report was finalized and submitted for Committee of Adjustment review.

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 lot areas and setbacks from a front lot line within the Residential designation. As such, the requested variance conforms to the general intent and purpose of the COP.

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

The subject property is zoned "Residential Second Density (R2)" by the Municipality's Comprehensive Zoning By-law #11-83. The R2 Zone permits single-detached, semi-detached, duplex, and triplex dwellings, along with home-based business, group homes, and accessory uses, buildings and structures. The owner is applying to reduce the minimum required setback from the rear lot line to legally recognize it as a side yard and to reduce the minimum lot area requirement to permit the dwelling type.

Minimum Lot Area

The purpose of the minimum lot area requirement is to provide sufficient space to accommodate the proposed dwelling, landscaping, utilities, snow storage, road access, required off-street parking, and outdoor amenity area.

Given the extent of relief requested, Staff is of the opinion that a reduction in the minimum lot area requirement by 72m² (775.00ft²) would not prevent the lot from accommodating a triplex dwelling, landscaping, required off-street parking and snow storage, and outdoor amenity area. Apart from the reduction in rear yard from 7.5m to 1.2m to modify the rear yard as a side yard (and vice versa), all other provisions of the R2 Zone can be maintained with less land. To compare, a townhouse in the Municipality of Mississippi Mills requires 168m² (1,808.33ft²) per dwelling unit, for a total of 504m² (5,425.01ft²) if multiplied by three to achieve the same density, while still maintaining the same setbacks. The subject property would have an additional 114m² (374.02ft²) to accommodate said setback provisions. It is understood that townhouses are a form of higher-density development and must conform to a different density threshold. Notwithstanding, the proposed triplex would conform to the 15 units/hectare gross density maximum of the R2 Zone.

Minimum Rear Yard Setback Requirement

The intent of the minimum rear yard setback requirement 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 maintain appropriate amenity space for the owners.

Maintenance: The 1.2m (3.94ft) setback would provide adequate room for maintenance purposes, particularly since access to higher elements (e.g. the roof) could be achieved from the side yard which would maintain a 7.5m (24.60ft) setback from the side lot line.

Runoff: As a potential infill/intensification development, the landowner would be required to submit a Site Plan Control application, which includes the submission of a grading and drainage plan that must be to the satisfaction of the Director of Roads & Public Works.

Privacy Impacts: The shift of the 1.2m setback from the side yard to the rear yard would have no cumulative privacy impact as the potential issue would switch between neighbours; from the western neighbour, being 132 Princess Street, to the northern neighbour, being 46 Martin Street N. Notwithstanding, the existing dwelling at 46 Martin Street N is setback approximately 20m (65.62ft) from the rear lot line and has two (2) accessory buildings in the rear yard (see Schedule C), providing some buffer between the existing dwelling and the potential future development. Furthermore, the proposed development would require a maximum of 7% window coverage on a wall at 1.2m from a lot line, thereby reducing opportunities for the invasion of privacy.

Amenity Space: The amenity space would be shifted from the rear yard to the side yard and could accommodate the same setback required by a traditional development that has not undergone a relief.

Given the above, Staff are 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 facilitates the construction of a permitted use within the R2 Zone. The R2 Zone permits a wide range of housing types that, although considered to be low-density, contribute to the intensification principles of the Community Official Plan and Provincial Policy Statement, 2014. Apart from the technical substitution between the rear and side yard setbacks, no other R2 provisions would require relief, thereby minimizing the impact of the decreased lot size on neighbouring properties. Further, the lot's future development along a main thoroughfare (Martin Street) is an ideal location for infill development.

To ensure that the lot provides appropriate landscaping, parking, and architectural features, the lot will be required, as per By-law #15-60, to submit a Site Plan Control application at which time the logistics related to placement of driveways, utilities, buffering, lighting and garbage can be evaluated and negotiated. Therefore, Staff are of the opinion that the proposal is a desirable and appropriate development of the subject lands.

4. Is the proposal minor?

The proposed variances to the minimum lot area and rear yard setback for triplex dwelling in the R2 Zone would reduce the requirements from 690m² (7,427.10ft²) to 618m² (6,652.10ft²) and 7.5m (24.60ft) to 1.2m (3.94ft), respectively. While these may seem like significant allowances from a quantitative standpoint, the impacts remain minor; the rear yard reduction would be mitigated by the increased side yard and the reduced lot size would remain regulated by the maximum percentage lot coverage. Therefore, Staff believe the requested variance is considered to be minor in nature.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variances would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to other stakeholders. Staff believes that Minor Variance Application A-03-17 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. It is therefore recommend that the Minor Variances 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 those provided at the beginning of this report.

All of which is respectfully submitted,

Andrew Scanlan Dickie
Junior Planner

Shawna Stone
Reviewed by Acting CAO

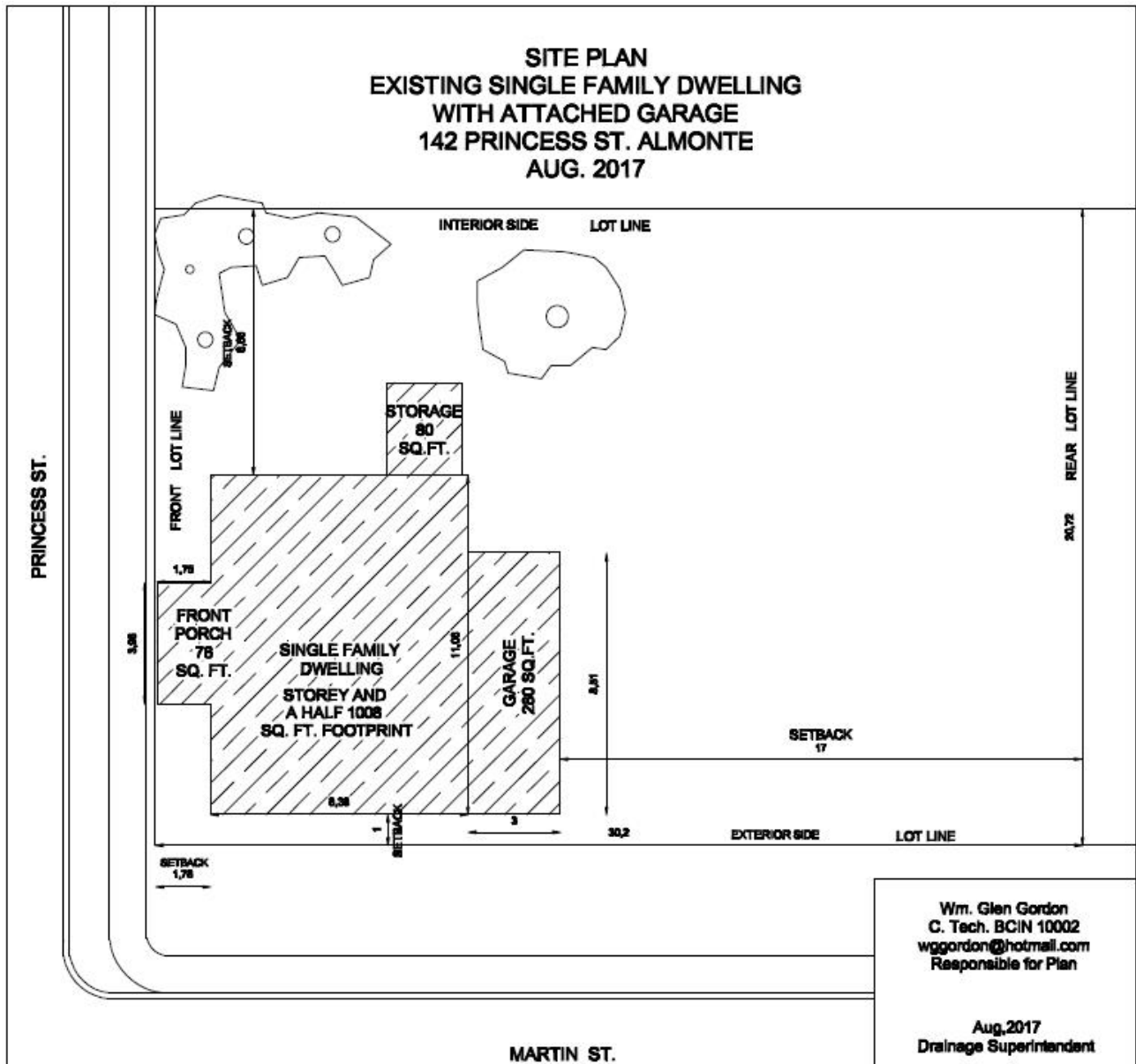
Niki Dwyer, MCIP, RPP

Reviewed by Director of Planning

ATTACHMENTS:

- Schedule A – Existing Site Plan
- Schedule B – Proposed Site Plan
- Schedule C – Site Photos

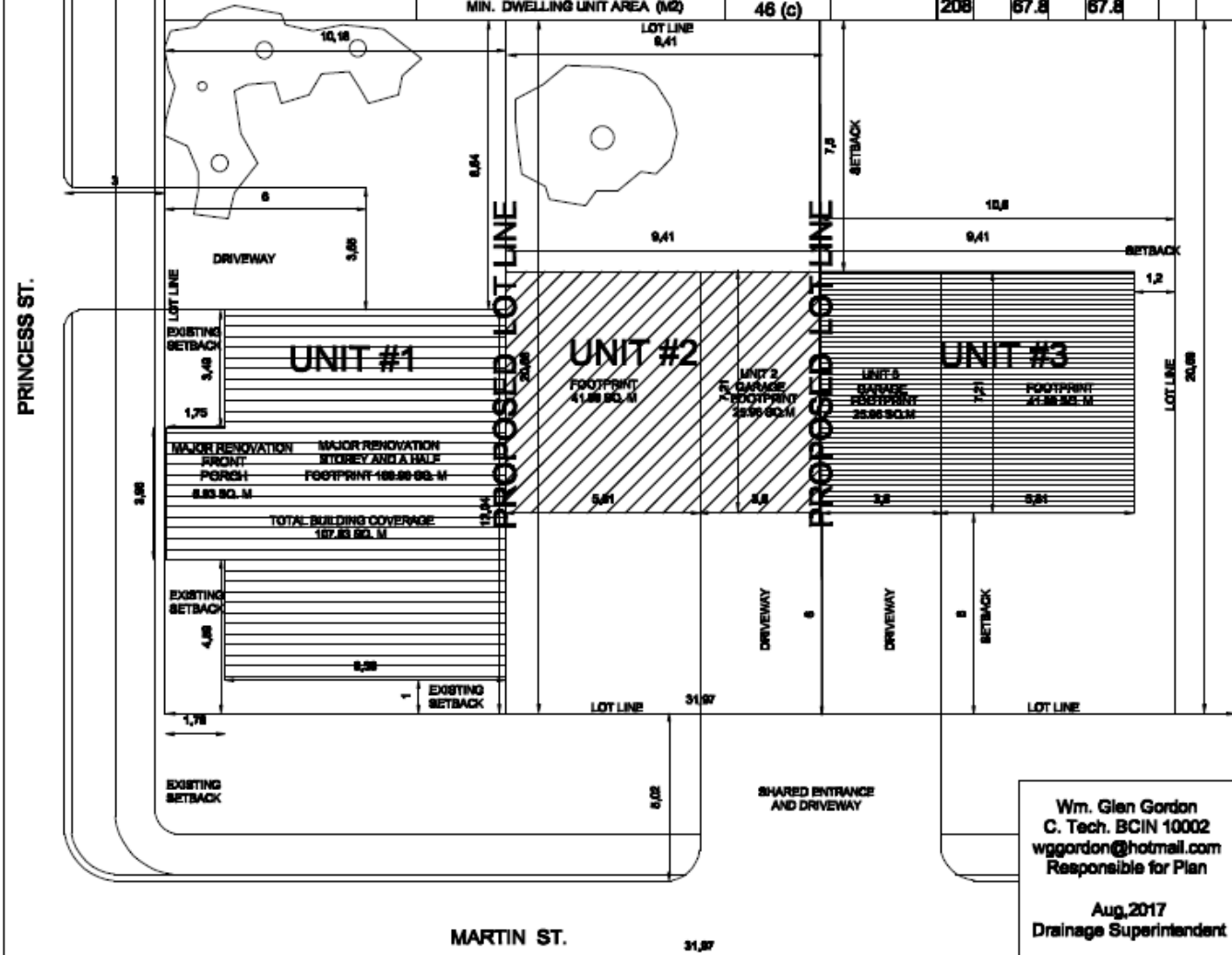
SCHEDULE A – Existing Site Plan



SCHEDULE B – Proposed Site Plan **Please note the proposes lot line divisions and the mention of a lot coverage minor variance are no longer related to the subject approval.

**DEVELOPMENT PLAN FOR 142 PRINCESS ST.
SITE PLAN AGREEMENT TO ALLOW FOR A
TRI-PLEX IN A R-2 ZONE.
OWNER ROD AYOTTE**

MINOR VARIANCE APPLICATION TO ADDRESS	CURRENT ZONING TABLE 14.2A- R2 ZONE	TRIPLEX REG.S.	TRIPLEX PROPOSED	UNIT 1		UNIT 2		UNIT 3		TOTAL UNITS	
				FIT	FIT	FIT	FIT	FIT	FIT	FIT	FIT
				YES	NO	YES	NO	YES	NO	YES	NO
		690 (a)	600.0								600.0
1/ SIDE YARD AND REAR YARD ORIENTATION		18 (a)	9.41	✓		✓		✓		✓	
		6	6	LIBERALLY NON-COMFORMAL							
2/ UNIT #1 LOT COVERAGE AT 51%		1.2 (b)	1.2	LIBERALLY NON-COMFORMAL							
		6	6	LIBERALLY NON-COMFORMAL							
3/ MIN. LOT AREA		7.5	7.5	✓		✓		✓		✓	
		11	<11	✓		✓		✓		✓	
		45% / (a)	40%		51.334.8		31.0		AVERAGE	36.8	
		46 (c)		208	67.8		67.8				



SCHEDULE C – Site Photos

View from Martin St N



Rear Yard - Neighbour



Rear Yard - Full



THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday April 11, 2018 @ 5:30pm
TO: Committee of Adjustment
FROM: Andrew Scanlan Dickie – Junior Planner
SUBJECT: **MINOR VARIANCE APPLICATION A-04-18 (D13-AB-18)**
Ramsay Conc 8, NE Part Lot 17, Plan 26R-1224, Part 1
Almonte Conc 8, NE Part Lot 16, Plan 26R-1224, Part 1
Ramsay & Almonte Wards, Municipality of Mississippi Mills
Located near the corner of Gleeson Rd & County Rd 29
OWNER/APPLICANT: Marcus & Katherine Abramenko

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment APPROVES the Minor Variance for the land legally described as Ramsay Concession 8, Northeast Part Lot 17, Plan 26R-1224, Part 1, Ramsay Ward and Almonte Concession 8, Northeast Part Lot 16, Plan 26R-1224, Part 1, Almonte Ward, Municipality of Mississippi Mills to reduce the calculated MDS I setback between a new dwelling and a livestock facility from 191m (626ft) to 126m (413ft), subject to the following conditions:

- 1. that the Minor Variance is approved based on the plans submitted;**
- 2. that the Owner register a covenant on the title of the property stating that the lot is adjacent to an agricultural property and/or livestock facility and may therefore be subject to noise, dust, odours, and other nuisances associated with related activities;**
- 3. that the Owner not disturb land within 30m of a watercourse or wetland, except for minor disturbances resulting from construction, without consulting with the Mississippi Valley Conservation Authority (MVCA);**
- 4. that the Owner contact the MOECC to confirm, to the satisfaction of the municipality, that there is no land conflict between the subject property and the adjacent Industrial designated property; and**
- 5. that the owners obtain all required building permits.**

PURPOSE AND EFFECT

The applicant is requesting relief from the Minimum Distance Separation (MDS I) setback calculated using the MDS Formula provided through the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA). Section 6.10 of the Comprehensive Zoning By-law #11-83 stipulates that no use shall be erected or altered unless it complies with the MDS I calculation, or unless approved by the Committee of Adjustment. The relief would reduce the calculated setback of 191m (626ft) to 126m (413ft) to accommodate a newly constructed single-detached dwelling. The Minor Variance request is outlined below:

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

Section	Zoning Provision	By-law Requirement	Requested
6.10	Minimum Distance Separation (MDS I) setback calculated using the MDS Formula	191m (626ft)	126m (413ft)

DESCRIPTION OF SUBJECT LANDS

The subject property is located near the corner of Gleeson Road and County Road 29, within both the Ramsay and Almonte Ward. The entire property is ±3.7ha (9.10ac) in size with a frontage of ±143.3m (470ft); whereas the portion of property within the Ramsay Ward that is zoned appropriately for a residential use is ±1.9ha (4.7ac). The property is generally surrounded by low density rural residential lots to the east and west, with an agricultural property to the immediate north and commercial uses to the southeast. The subject land is presently vacant with no immediate past history of development. The location of the subject property is depicted in the following photos:

Figure 1 – Property Location



Minor Variance Application A-04-18
Ramsay Conc 8, NE Part Lot 17, Plan 26R-1224, Part 1
Almonte Conc 8, NE Part Lot 16, Plan 26R-1224, Part 1
Ramsay & Almonte Wards, Municipality of Mississippi Mills

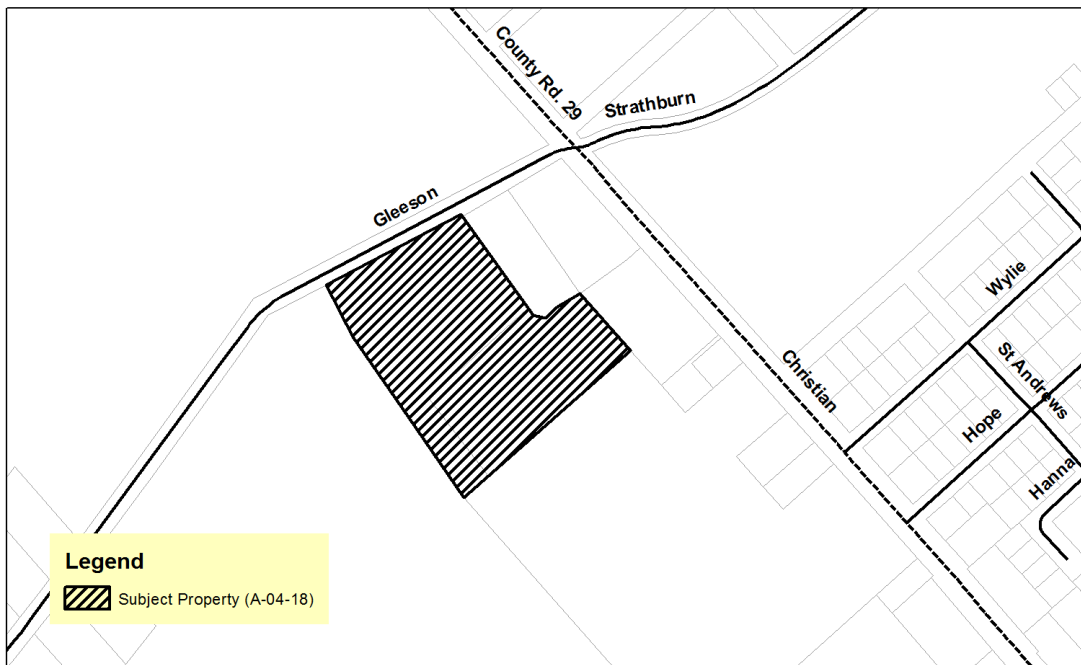
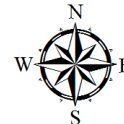


Figure 2 – Aerial Photo (2017)



SERVICING & INFRASTRUCTURE

The subject property does not have existing servicing but would require private well and septic as part of the site’s expected development. The lot has frontage on, and is accessed from, Gleeson Road, a municipally owned and maintained road. Municipal servicing and infrastructure demands would not change due to 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:

Acting CAO: No objections granted the adjacent farm owner is deemed to not be negatively impacted and that covenants are required for the subject land owners.

Acting Clerk: No comments or concerns.

CBO: No comments received.

Fire Chief: No comments received.

Director of Roads and Public Works: No technical reason why the application cannot proceed but is concerned of a precedent that can be used as an argument for future applications.

Recreation Coordinator: No comments or concerns.

COMMENTS FROM EXTERNAL AGENCIES

MVCA: The proposed development meets the required setbacks. However, the property owner shall not disturb land within 30m of a watercourse or wetland, save for minor disturbances resulting from construction.

COMMENTS FROM THE PUBLIC

An objection was received from a Mr. Cogle, as seen in Schedule H. The individual has expressed that the proximity to an industrial zone requires particular setbacks must be maintained. The relevant sections of the COP have been added to this report for analysis.

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 both “Rural” and “Industrial” in the Municipality’s Community Official Plan (COP). The Rural designation permits a variety of uses, inclusive of agricultural, commercial, industrial, and residential uses; whereas the Industrial permits a variety of commercial and industrial (Class I to III) uses. The proposed dwelling construction would be entirely within the Rural designation.

Minimum Distance Separation

Under the Rural policies are those specifically addressing the Minimum Distance Separation (MDS) requirements, as per OMAFRA. The policy is as follows:

Section 3.3.3 General Policies [Rural]

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

According to OMAFRA, MDS setbacks are used to reduce odour conflicts by separating incompatible uses. There are various circumstances where a Planning Act application or construction requiring a building permit may meet the intent of the MDS Document, if not the precise setbacks required by MDS I (the distance of a new dwelling from a livestock facility) or MDS II (the distance of a new livestock facility from a dwelling). In some circumstances, it may be appropriate for a municipality or other approval authority to consider the merits of allowing for a reduced MDS setback through a minor variance or other type of planning application. Generally, OMAFRA does not support or encourage reductions to MDS setbacks. Allowing for

reductions can increase the potential for land use conflicts and undermine the MDS intent. Nonetheless, Implementation Guideline #43 of the MDS Document provides specific direction on reducing required MDS I setbacks. It states:

“MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.

If deemed appropriate by a municipality, the processes by which a reduction to MDS I may occur could include a minor variance to the local zoning by-law, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.”

As such, municipal policy does not object to a relief to the MDS requirements, granted that said relief maintains the intent of the MDS Document and guidelines. To assess whether the request is appropriate, OMAFRA recommends that a review address particular questions as part of the minor variance process. These questions will be addressed as part of Section 3 of this report. To understand the site in questions, please refer to Schedules A and B of this report for setback context both from nearby barns and water features.

Influence Areas and Sensitive Uses

The subject lot is uniquely located within two designations, wedged between agricultural land to the north and industrial land belonging to the Almonte Ward Settlement Area to the east and south. The Industrial designation, although predominantly vacant, requires that its permitted industrial uses be set back from those that are sensitive, such as dwellings, to mitigate land use conflicts.

Section 3.7.5.2 Industrial Policies

2. Influence areas for Classes I, II and III industrial uses shall apply between industrial uses and sensitive uses (reciprocally). Sensitive uses shall not be permitted within the influence area unless it is clearly demonstrated by a developer that adverse effects are clearly and fully mitigated to the satisfaction of Council and, where applicable environmental approval has been obtained from the Ministry of Environment.

Immediately adjacent to the subject property, at its southeast corner, is a lot that contains two (2) businesses: New Age Automotive (an automobile service station use) and SMR Electric (a contractor's or trade establishment use). Both uses are permitted within their Light Industrial (M1) Zone. However, they are commercial uses and are also permitted within the Commercial designation and subsequent Highway Commercial (C3) Zone. Furthermore, the uses do not adhere to the Class I Industry definition – a place of business for a small scale, self contained plant or building that produces, manufactures, assembles, or warehouses a product which is contained in a package and has a low probability of fugitive emissions. As such, the commercial uses do not have an influence area that impacts the location of the dwelling. If they did, a 70m (230ft) setback would be required without ministry approval. Nonetheless, Staff recommend that the applicants contact the Ministry of Environment and Climate Change to receive written support for their proposal.

For reference, the setbacks between light industrial and sensitive uses are reciprocal. In the event that a Light Industrial use is proposed on the M1 property, it would have to adhere to the buffer from the sensitive use unless approved by the MOECC. In this particular circumstance, there are already homes located adjacent to the industrial property; thus, a potential industrial use would be subject to the buffer regardless.

2. DOES THE PROPOSAL MAINTAIN THE INTENT OF THE ZONING BY-LAW?

The subject property is zoned both “Rural (RU)” and “Development (D)” by the Municipality’s Comprehensive Zoning By-law #11-83. The RU Zone permits a variety of uses, inclusive of a detached dwelling, a home-based business, agriculture, and accessory uses, buildings and structures. The D Zone serves as a holding zone, which legally permits existing uses but controls the impact of future development. All construction is proposed to remain within the boundaries of the RU Zone. See Schedule C for a Zoning Map.

Minimum Distance Separation

The Comprehensive Zoning By-law #11-83 makes specific reference to OMAFRA’s Minimum Distance Separation formula, stating:

Section 6.10 Minimum Distance Separation

- 1. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted in the Zone in which the lot is situated, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using the MDS Formula. Notwithstanding the aforementioned, existing vacant lots which cannot be developed as a result of MDS I may be developed subject to the approval of the Committee of Adjustment.*

The subject application pertains to an existing vacant lot that cannot be developed as a result of the calculated MDS I setback. No location on the lot, save for across the watercourse, falls exterior to the 191m buffer. In addition, environmental features such as a meandering stream and a potential wetland further impact the home’s location. As such, Staff are of the opinion that the requested relief maintains the intent of the Zoning By-law, granted that the request is deemed to be appropriate and minor for the lands in questions, as discussed in sections 3 and 4 of this report.

The Municipal Sewage Lagoons

The subject application indicates that the property is within 500m (1640ft) of a sewage treatment facility/lagoon, specifically referring to the Municipality’s sewage lagoons that are zoned “Waste Disposal (WD)”. Consequently, Staff are required to assess whether the proposal meets any associated setbacks, notably the following:

Section 6.25 Setbacks from Waste Disposal (WD) Zone

- 2. No building or structure used for human habitation shall be located closer than 200 metres (656 feet) from any area zoned for and/or containing a licensed sewage treatment works or a closed waste disposal site either within or outside the limits of the Corporation.*

The lagoon parcel boundary is located approximately 330m (1,083ft) from the proposed building location, providing sufficient space between uses to mitigate a land use conflict.

3. IS THE PROPOSAL DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OF THE LANDS IN QUESTION?

The following is a list of questions a municipality or a Committee of Adjustment may ask when considering a reduction to an MDS I setback as per Implementation Guideline #43. OMAFRA states that the list of questions does not represent an exhaustive list, as other site-specific circumstance might be relevant, and that some may not be determinative of whether the application is appropriate or not. In some cases, a surrounding land use, environmental, safety or practicality issue may warrant a reduced MDS I setback if the intent of this MDS Document can still be met.

Surrounding Land Uses

Q1. Is the proposed development similar to others on surrounding lands in the vicinity?

The proposed development is a single-detached dwelling, as permitted by the RU Zone. Similar uses are present to the east and west of the property. The immediate east, towards County Road 29, is characterized by smaller lots with dwellings setback from the meandering watercourse; whereas, the west, towards Ramsay Concession 8, are smaller lots surrounded by larger agricultural properties. The agricultural property influencing the development is located to the immediate north. Its agricultural structures, inclusive of livestock facilities, are all located near Gleeson Road, with availability to expand inwards.

Q2. Is the proposed location further away from the surrounding livestock facility or anaerobic digester than other existing development or dwellings in the area?

No, the proposed home would be the closest dwelling to the livestock facility. All other dwellings are outside of the calculated MDS I setback.

Q3. Is there a history of complaints in the area related to nuisance issues?

At the time this report was written, Staff were not aware of complaints related to the nearby livestock facility, nor were objections received regarding the application.

Environmental Concerns

Q4. Would meeting the MDS setback mean that the proposed development or building would affect surface water features?

To locate further away from the livestock facility, the proposed dwelling would either have to encroach within an environmental setback, build atop a water feature, or be located across said feature. All options could potentially have a negative environmental impact.

Q5. Would meeting the MDS setback mean that the proposed development or building would affect groundwater features?

The subject lands would require a well and would thus have an impact, albeit negligible, on the aquifer's available supply. However, the most notable concern for development in proximity of the Almonte Ward is potential impact on municipal wells. The subject lot falls entirely outside of any Wellhead Protection Areas.

Q6. *Are there other natural or environmental features on the lot that should be considered?*

An unevaluated wetland is located at the southeastern corner of the lot. Although it is not regulated, the Mississippi Valley Conservation Authority (MVCA) recommends development occur exterior to its boundary, which the applicant has proposed.

Q7. *Would meeting the MDS setback mean that the proposed development or building would require a stream crossing or create more potential for environmental risk?*

The lot does extend passed the meandering watercourse and would thus require a crossing to adhere to the MDS setback. However, meeting the setback would place the dwelling within the Industrial designation, which does not permit dwellings as a principal use.

Safety

Q8. *Is there a safety issue related to the poor state of repair of an existing building that should be replaced?*

Since the property is vacant, there are no issues pertaining to disrepair or potential building replacement.

Q9. *Would siting the new building or development in a location that met MDS I setbacks result in a public safety concern?*

Siting the new building to meet the MDS I setback would require construction on the other side of the watercourse passing through the lot. Apart from the environmental risk, locating the dwelling within the D Zone would not be permitted, would require both an Official Plan and Zoning By-law Amendment, and would hinder the long-term vision of the surrounding property as employment lands. Furthermore, although still exterior of the 200m lagoon setback, the dwelling would fall closer to the sewage treatment plant and thus more exposed to potential odours.

Practicality

Q10. *Would the proposed development or building improve the existing situation?*

There is no existing situation to be improved upon; the property stands vacant.

Q11. *Does the proposed reduction to the MDS I setback permit the new development or building to meet some other regulatory setback requirement?*

The location of the dwelling at 126m from the livestock facility is to meet MVCA regulations concerning setbacks from watercourses and wetlands. Regardless of whether the applicant obtained relief from these setbacks, the building would still fall within the MDS I buffer. The only possible location outside of the setback is in the Industrial designation of the Almonte Ward, which would require additional permits and engineering work to cross the watercourse.

Q12. *Can site plan design assist in reducing the potential for nuisance complaints?*

The site is intended for the use of the current property owners as a single-detached dwelling, who are aware of the agricultural operation north of their lot. Consequently, a site plan design would not further reduce any nuisance complaints; MVCA regulations limit where the lot can be located, specifically when considering distance from the

livestock facility. Furthermore, a condition of the Minor Variance approval would require the owner/applicant register a covenant on title identifying the nearby nuisance.

The proposed MDS I relief for single-family home development is a response to a variety of unique circumstances for the subject lot. In an ideal world, a water crossing would be the advised option to circumvent the building restrictions of being within proximity of a livestock facility. However, locating across the stream would still require relief from the MDS and would impose a risk to the surrounding environment. Extending out of the MDS buffer would put the property in the Industrial designation, which does not permit dwellings as principal uses. Furthermore, amending the Official Plan would be a costly endeavour as it requires a Comprehensive Review of the Municipality to assess whether there is an excess of Employment Lands. As such, Staff believe that the proposed location on the northern side of the watercourse which adheres to environmental setbacks is a desirable and appropriate location for development on the subject lands.

4. IS THE PROPOSAL MINOR?

Although all applications are meant to be evaluated on their own merits, there always remains a concern of precedent set by approving a minor variance. Thus, Staff must be cautious in evaluating a request whether it may cause an influx of applications of similar circumstance. Furthermore, Staff must assess what impact the relief would have on the subject property, those abutting, the neighbourhood, and to a lesser extent to the Municipality. Few applications for relief to the MDS I have been processed by the Municipality; however, there are some. Notably, application D13-BL-13 which reduced its setback from 212m (695.5ft) to 165m (541.3ft) for simpler circumstances than that of the subject application. Nonetheless, the MDS Document has been amended and updated since.

Determining if a proposed reduction in MDS setbacks is minor depends on the context in which the reduction is being proposed. Minor means different things to different people. OMAFRA does not endorse a specific % decrease (e.g., 5% or 10%) for MDS setbacks. In some circumstances, a very small reduction in an MDS setback may not be considered minor given the surrounding land uses and potential odour conflicts. In other instances, a significant reduction in an MDS setback may be considered minor. The perception of what is 'small' or 'minor' in nature varies depending on site-specific circumstances. Further to the questions of Section 3, it is important to consider the following aspects:

- 1. Is the MDS setback reduction really necessary or should another suitable alternative location (relocating the proposed lot/designation/building) be considered?*
- 2. Is the reduced setback going to impact the type, size or intensity of agricultural uses in the surrounding area?*
- 3. Is the reduced setback going to impact flexibility for existing or future agricultural operations, including their ability to expand if desired? If this reduced setback is allowed, will it set precedent for others in the local community?*

It is Staff's opinion that the proposal is unique. The combination of its proximity to similar uses, its dual designation and zoning, the presence of environmental features, its location at the border of the Ramsay and Almonte Wards, and its potential impact on the future development of employment lands is an exceptional situation not easily replicated by other properties across the

Municipality. Unless the property owner wishes to amend the designation and zoning at the rear of the property to locate a home outside of the MDS I setback, there are very limited, if any other, options to consider. Consequently, the owner is well aware of the potential nuisances associated with being adjacent to an agricultural parcel that has a livestock facility. To ensure transparency with future landowners, the applicant will be required to register a covenant on title identifying the possible nuisances. However, those nuisances may already be somewhat mitigated by the existing environment. For instance, existing mature vegetation (see site photos in Schedule D) visually divides the neighbouring residential and agricultural uses. Furthermore, wind statistics collected between February 2012 and February 2018 (see Schedule E) indicate odours would move across the rural residential property approximately 23.3% of the year (inclusive of those winds coming from between the western and northwestern directions). Said statistics could be evaluated as a considerable amount of time; however, the application is solely for one dwelling unit which would have said factor clearly on title as a covenant.

Only one (1) agricultural holding would be impacted by the MDS I setback, being the Purdy farm that the livestock information was collected from. As of the submission of this report, no concerns have been shared with Staff regarding the relief from the farm property owner. However, the Municipality must not only consider the current owner, but those that may come later.

It is important to note that the MDS I setback is not based off of the existing design capacity of the current operation, but is rather assessed based on a “potential design capacity” that takes into consideration future expansion. In this particular circumstance, the current design capacity is 46.7 nutrient units (NU); whereas, the potential design capacity is 140.0. At 46.7 NU, an MDS II setback would be 62m (203ft). To achieve a required 126m (413ft) setback, an agricultural operation would require 91 NU – almost double the current operation. In addition, 91 NU would require an estimated livestock barn area of 1246m² (13,412ft²) – based on an approximate proportional increase in each type of livestock (see Schedule G for the calculation). The property does not have adequate barn footprint and would require an additional building. Considering the current livestock structures are located close to Gleeson Road and that the closest building is 126m from the proposed dwelling, the logical expansion to the west or north of said building would provide an adequate buffer to accommodate additional livestock.

As such, Staff believe that the proposed relief is a minor request that and, due to its unique circumstances, would not create a precedent for future applications.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variance would allow the owners to maximize the use and enjoyment of the existing vacant property with negligible impacts to other stakeholders. Staff believes that Minor Variance Application A-04-18 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Therefore, Planning Staff recommends that the Minor Variances 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

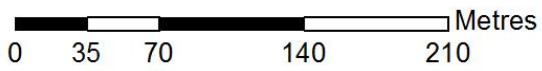
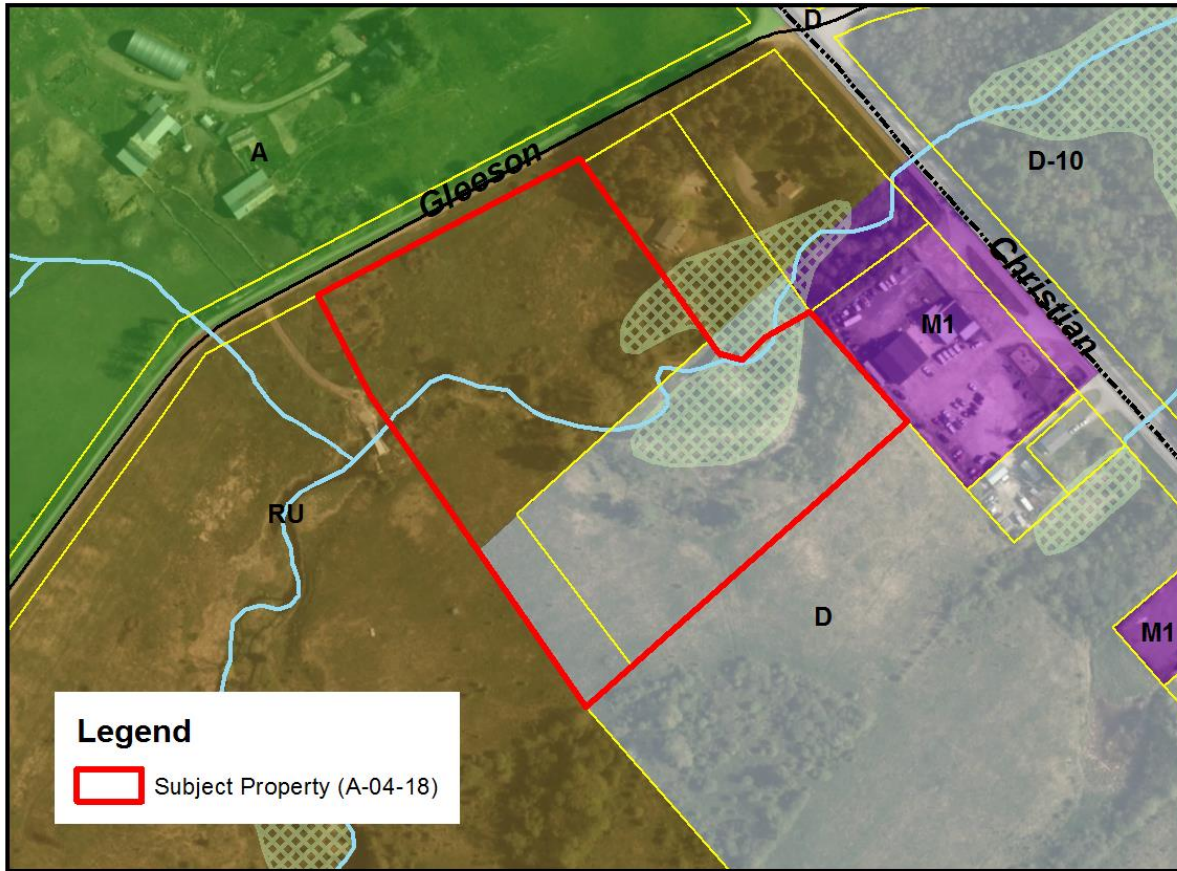
Shawna Stone
Reviewed by Acting CAO

Niki Dwyer, MCIP, RPP
Reviewed by Director of Planning

ATTACHMENTS:

- Schedule A – Setbacks from Barns
- Schedule B – Setbacks from Waterfeatures
- Schedule C – Zoning Map
- Schedule D – Site Photos
- Schedule E – Wind Statistics
- Schedule F – MDS I Data Sheet
- Schedule G – MDS II Example Data Sheet
- Schedule H – Objection

SCHEDULE A – Zoning Map



- A – Agricultural Zone
- D – Development Zone
- M1 – Light Industrial Zone
- RU – Rural Zone

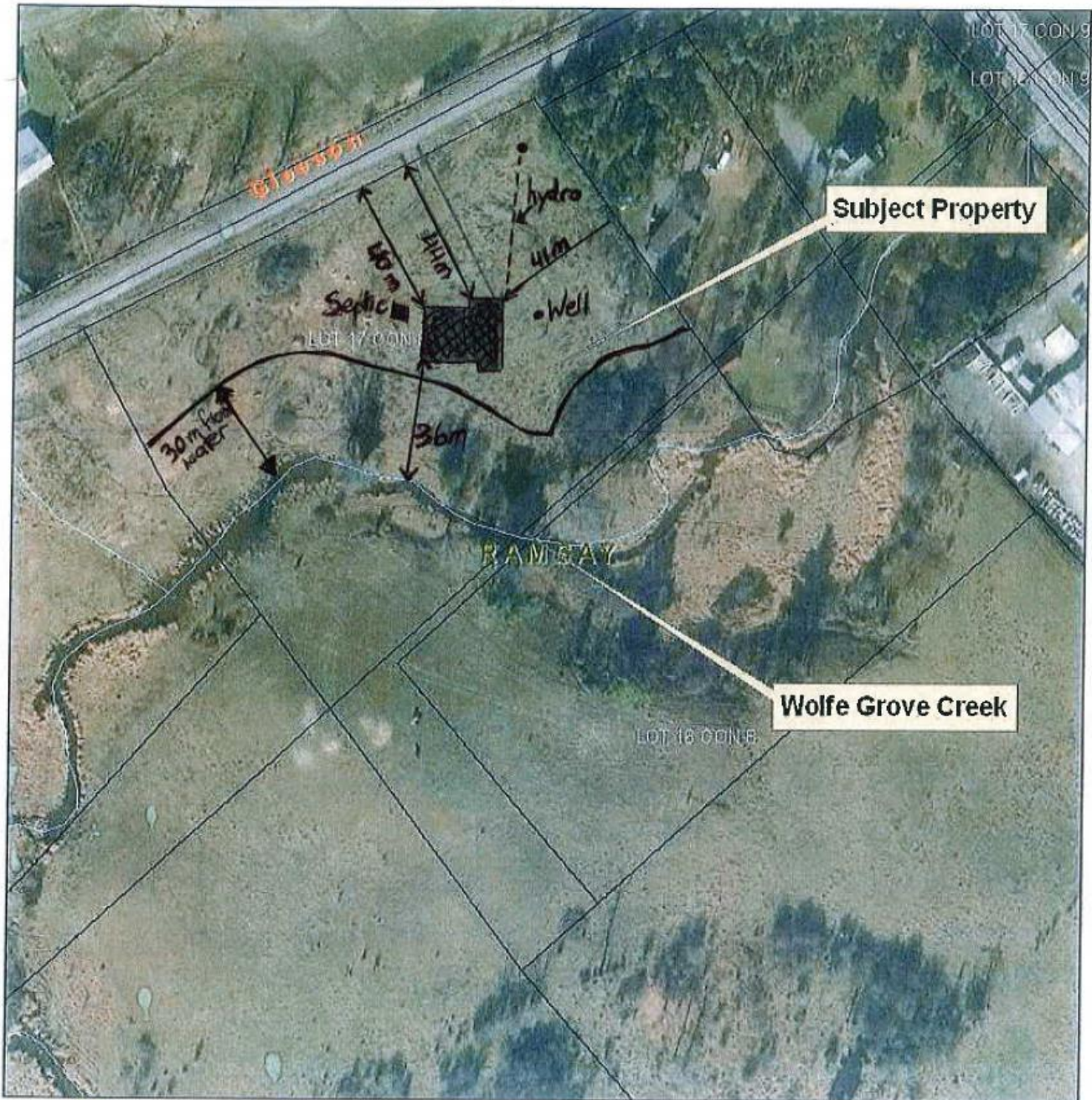
SCHEDULE B – Setbacks from Barns



0 30 60 120 180 Metres

SCHEDULE C – Setbacks from Water features

Regulation Mapping for Gleeson Side Road



SCHEDULE D – Site Photos

Applicant's Property



Vegetation Buffer



Purdy Farm



Vegetation around Water Course



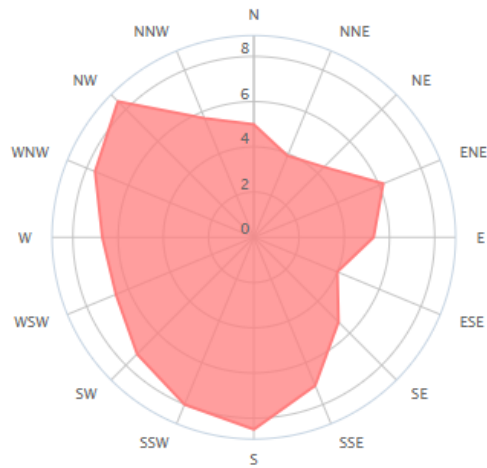
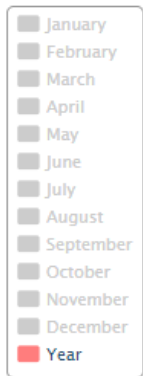
SCHEDULE E – Wind Statistics (Windfinder: Carleton Place)

Month of year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
	01	02	03	04	05	06	07	08	09	10	11	12	1-12
Dominant wind direction	↖	↖	↖	↖	↖	↖	↖	↖	↖	↖	↖	↖	↖
Wind probability >= 4 Beaufort (%)	1	1	1	2	0	0	0	0	0	1	1	1	1
Average Wind speed (kts)	4	4	4	5	3	2	2	2	2	3	5	3	3
Average air temp. (°C)	-10	-8	0	7	17	20	22	20	16	11	3	-6	8

WIND STATISTICS

Statistics based on observations taken between 02/2012 - 03/2018 daily from 7am to 7pm local time. You can order the raw wind and weather data in Excel format from our historical weather data request page.

Wind direction distribution in (%)
Year



© windfinder.com

SCHEDULE F – MDS I Data Sheet



Minimum Distance Separation I

Abramenko Home
Prepared By: Andrew Scanlan Dickie, Junior Planner, Municipality of Mississippi Mills

Description:

Application Date: Thursday, March 15, 2018
Municipal File Number:
Proposed Application: Building permit for the construction of a dwelling (farm or non-farm)
 Type A Land Use

Applicant Contact Information

Mark Abramenko
Gleeson Road
Almonte, ON, Canada K0A 1A0
Email: markabramenko@gmail.com

Location of Subject Lands

County of Lanark, Town of Mississippi Mills
RAMSAY, Concession: 8, Lot: 17
Roll Number: 093192902505403

Calculation Name: *Purdy Farm*

Description:

Farm Contact Information

Joanna Purdy
5443 County Road 29 S
Almonte, ON, Canada K0A 1A0

Location of existing livestock facility or anaerobic digester

County of Lanark, Town of Mississippi Mills
RAMSAY, Concession: 8, Lot: 17
Roll Number: 093192902505400
Total Lot Size: 31.1 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	14	20.0	423 m ²
Solid	Beef, Cows, including calves to weaning (all breeds), Confinement	25	25.0	232 m ²
Solid	Sheep, Ewes & rams (dairy operation; includes unweaned offspring & replacements)	10	1.7	21 m ²

Existing Manure Storage: No storage required (manure is stored for less than 14 days)

Design Capacity (NU): 46.7

Potential Design Capacity (NU): 140.0

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor D} & \text{Factor E} & & \text{Building Base Distance } F' & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Manure Type}) & (\text{Encroaching Land Use}) & & (\text{minimum distance from livestock barn}) & (\text{actual distance from livestock barn}) \\
 0.7 & \times 355.21 & \times 0.7 & \times 1.1 & = & 191 \text{ m (628 ft)} & \text{TBD}
 \end{array}$$

Storage Base Distance 'S'
(minimum distance from manure storage)

No storage present

Preparer Information

Andrew Scanlan Dickie
Junior Planner
Municipality of Mississippi Mills
3131 Old Perth Road
Almonte, ON, Canada K0A 1A0
Email: ascanlandickie@mississippimills.ca

Signature of Preparer: _____ Date: _____
 Andrew Scanlan Dickie, Junior Planner

NOTE TO THE USER:
 The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

SCHEDULE G – MDS II Example Data Sheet



Minimum Distance Separation II

Worksheet 1

Prepared By: Andrew Scanlan Dickie, Junior Planner, Municipality of Mississippi Mills

Description:

Application Date: Wednesday, April 04, 2018

Municipal File Number:

Applicant Contact Information
 Marcus Abramenko

Location of Subject Livestock Facilities
 County of Lanark, Town of Mississippi Mills
 RAMSAY, Concession: 8, Lot: 17
 Roll Number: 093192902505403

Calculation Name: *Purdy*

Description:

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	14	20.0	26	37.1	785 m ²
Solid	Beef, Cows, including calves to weaning (all breeds), Confinement	25	25.0	45	45.0	418 m ²
Solid	Sheep, Ewes & rams (for meat lambs; includes unweaned offspring & replacements), Confinement	10	1.3	20	2.5	43 m ²

Manure Storage: No storage required (manure is stored for less than 14 days)

Existing design capacity (NU): 46.3

Design capacity after alteration (NU): 84.6

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 \text{(Odour Potential)} & \text{(Size)} & \text{(Orderly Expansion)} & \text{(Manure Type)} & & \text{(minimum distance from livestock barn)} & \\
 0.7 & \times 302.02 & \times 0.8522 & \times 0.7 & = & \mathbf{126 \text{ m (414 ft)}} &
 \end{array}$$

Storage Base Distance 'S'
 (minimum distance from manure storage)
No storage construction

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance
Type A Land Uses	126 m 414 ft	TBD
Type B Land Uses	252 m 828 ft	TBD
Nearest lot line (side or rear)	13 m 41 ft	TBD
Nearest road allowance	25 m 83 ft	TBD

SCHEDULE H – Objection

From: bryantcogle
Sent: April 7, 2018 7:19 PM
To: Shawna Stone
Cc: Nicole Dwyer
Subject: Minor variance on Gleason

I am assuming you are changing our land to residential as the environment guidelines do not fit leaving it as industrial has to be 300 meters away from this application and the one that SS gave out on a home last year.

I also stress that the town used fraud to place industrial zoning on our property 42 years ago and I will be discussing that on Wed.

Please make sure council receive this letter of objection to this minor variance . You can include the letter of Mar 21st that I sent to council. I need to add to this letter that SS did not send off the certified cheque to Ont Minister of finance as I requested the zone change back in 2010.The town had no right to hold onto that cheque.

I also spoke with Troy Dunlop who informed me that before he left the town that it was discussed and moved by council [another back room deal] our property would be developed last as residential when other developers used other lands up.

Bryant Cogle