

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
COMMITTEE OF ADJUSTMENT-PROPERTY STANDARDS COMMITTEE
AGENDA**

Wednesday, November 20, 2019, 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 October 16, 2019.

E. NEW BUSINESS

None.

F. BUSINESS

1. Minor Variance Application A-25-19 – Pages 4 to 11

Owners/Applicants: Jeanne & Neil Barr

Legal Description: Lot 11, Concession 12, Being Part 2 on Reference Plan 26R2373

Address: 1436 12th Concession South Pakenham

Ward: Pakenham

Zoning: Agricultural (A)

The owner/applicant is requesting relief from the minimum front yard setback from 9.0m (29.52ft) to 5.79m (19ft) to legally permit the replacement of an existing cold storage and new construction of an addition to the side of an existing non-farm residential dwelling within the Agricultural (A) Zone.

2. Minor Variance Application A-26-19 – Pages 12 to 20

Owner/Applicant: David Porter

Legal Description: Concession 2, Lot 24, Being Part 1 on Reference Plan 26R2849

Address: 1033 Bellamy Mills Road

Ward: Ramsay

Zoning: Rural (RU)

The applicant is requesting relief from the Home-Based Business – Rural Business provision to permit a catering establishment within the Rural (RU) Zone. The catering establishment would be located within the existing residential dwelling.

3. Minor Variance Application A-27-19 – Pages 21 to 28

Owner/Applicant: Roger Vanderbraak
Legal Description: Lot 131, Mitcheson Section, Plan 6262
Address: 64 Waterford Street
Ward: Almonte
Zoning: Residential Second Density (R2)

The applicant is requesting relief from the permitted projection provisions for a canopy from 1.8m but not closer than 3m to a lot line, to 0.086m (8.6cm) from a lot line to legally permit a canopy within the Residential Second Density (R2) Zone. The canopy is located in the interior side yard of the subject property and serves as a roof for a door of a non-conforming attached garage.

4. Property Standards Appeal – Pages 29 to 37

Appellant: Kimberly Walker-McTaggart
Legal Description: Lot 4, Teskey Section, Plan 6262
Address: 170 Augusta Street
Ward: Almonte

The appellant, Kimberly Walker-McTaggart is appealing an Order to Remedy issued October 7, 2019 regarding the property municipally known as 170 Augusta Street in Almonte Ward, Municipality of Mississippi Mills.

G. OTHER BUSINESS

None.

H. ANNOUNCEMENTS

None.

I. ADJOURNMENT

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

Wednesday, October 16, 2019, at 5:30 P.M.

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

PRESENT: Patricia McCann-MacMillan
Connie Bielby

ABSENT: Stacey Blair

APPLICANTS/PUBLIC: A-23-19 Stephen Zumbach
A-24-19 Greg Boyle
Diane Boyle

STAFF: Maggie Yet, Planner 1, Recording Secretary

Chair of the Committee called the meeting to order at 5:33 p.m.

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Moved by Patricia McCann-MacMillan

Seconded by Connie Bielby

THAT the agenda for the October 16th, 2019 meeting of the Committee of Adjustments be approved.

CARRIED

C. DISCLOSURE OF PECUNIARY INTEREST

None.

D. APPROVAL OF MINUTES

1. September 18th, 2019 – Public Meeting

Moved by Connie Bielby

Seconded by Patricia McCann-MacMillan

THAT the Committee of Adjustment approve the minutes of September 18th, 2019 meeting as presented.

CARRIED

E. NEW BUSINESS

None.

F. HEARINGS

1. **Application**

A-23-19

Owner/Applicant:

Stephen Zumbach

Legal Description:

East Half Lot 7, Concession 6, Being Part 1 on Reference Plan 26R-1979

Address: 787 Ramsay Concession 7A
Zoning: Rural (RU)

The owner/applicant is requesting relief from the minimum side yard setback for an accessory structure from 6m (19.7ft) to 1.52m (5.0ft) to permit a detached garage and shipping container within the Rural (RU) Zone. The shipping container will be used for storage.

The Chair opened the floor to comments. Mr. Zumbach sought clarification on the recommended condition by Staff to screen in and paint the shipping container. Ms. Yet responded that the intent of the condition is to minimize the visual impact of the shipping container. Mr. Zumbach asked if the shipping container could be painted to match the existing dwelling, rather than the treeline as recommended in the staff report. Ms. Yet clarified that it would be acceptable as long as the shipping container was painted in a neutral colour to match the surroundings or the existing structures on the subject property.

The Committee passed the following motion:

Moved by Patricia McCann-MacMillan

Seconded by Connie Bielby

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described East Half Lot 7, Concession 6, Being Part 1 on Reference Plan 26R-1979, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 787 Ramsay Concession 7A, to reduce the minimum side yard setback for a detached garage and shipping container from 6m (19.7ft) to 1.52m (5.0ft), 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; and
3. That the shipping container be screened in by the treeline on the western lot line and painted to minimize the storage container's visual impact, and in 8 months; and
4. That eavestroughing be installed on the detached garage.

CARRIED

2. **Application** **A-24-19**
Owner(s): 247632 Ontario Inc.
Applicant: Tausha Hellyer
Legal Description: Part Lot 14, Concession 10, Being Lot 61 on Registered Plan 27M-88
Zoning: Residential First Density Exception 20 (R1-20)

The applicant is requesting relief from the minimum front yard setback for an attached garage from 6.0m (19.7ft) from the front lot line to 4.95m (16.2ft) to legally permit the construction of a single detached dwelling with an attached garage within the Residential First Density Exception 20 (R1-20) Zone.

The Chair opened the floor to comments. The buyers of the subject property were in attendance but did not provide comments. C Bielby asked if the subject application would lead to a precedent for subsequent lot development along Spring Street in the Riverfront Estates subdivision. Ms. Yet clarified that it would not and that the applicant has stated that future development along Spring Street in the subdivision would adhere to the provisions of the R1-20 Zone.

The Committee passed the following motion:

Moved by Patricia McCann-MacMillan

Seconded by Connie Bielby

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Lot 14, Concession 10, Being Lot 61 on Registered Plan 27M-88, Almonte Ward, Municipality of Mississippi Mills, to reduce the minimum front yard setback for an attached garage from 6m (19.7ft) to 4.95m (16.2ft), to permit the construction of a single detached dwelling with an attached garage, subject to the following conditions:

1. That the Minor Variances are approved based on the plans submitted;
2. That the owners obtain all required building permits; and
3. That the builder construct two car garages with 5.2m (17ft) wide garage doors.

CARRIED

G. ANNOUNCEMENTS

Ms. Yet announced that the Municipality has received an appeal on Minor Variance application A-21-19.

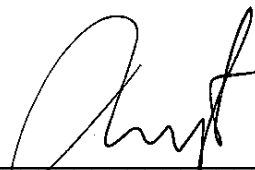
H. ADJOURNMENT

Moved by Patricia McCann-MacMillan

Seconded by Connie Bielby

THAT the meeting be adjourned at 5:56p.m. as there is no further business before the committee.

CARRIED



Maggie Yet, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: November 20, 2019
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-25-19 (D13-BAR-19)**
Concession 12, Lot 11, Being Part 2 on Reference Plan
26R2373
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 1436 12th Concession South Pakenham

OWNER/APPLICANT: Jeanne & Neil Barr

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Lot 11, Concession 12, Being Part 2 on Reference Plan 26R2373, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 1436 12th Concession South Pakenham, to permit the expansion of a legal non-conforming cold storage and new addition to a non-farm residential dwelling, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted;
2. That the Owners obtain location survey identifying the location of the existing dwelling in proximity to the property lines; and
3. That the Owner obtain all required building permits.

PURPOSE AND EFFECT

The owner/applicant is requesting relief from the minimum front yard setback from 9.0m (29.52ft) to 5.79m (19ft) to legally permit the replacement and expansion of a non-conforming cold storage and new construction of an addition to the side of a non-farm residential dwelling within the Agricultural (A) Zone. The cold storage structure considered in this application includes related accessory projections including a concrete porch and set of steps. The Minor Variance request is outlined below:

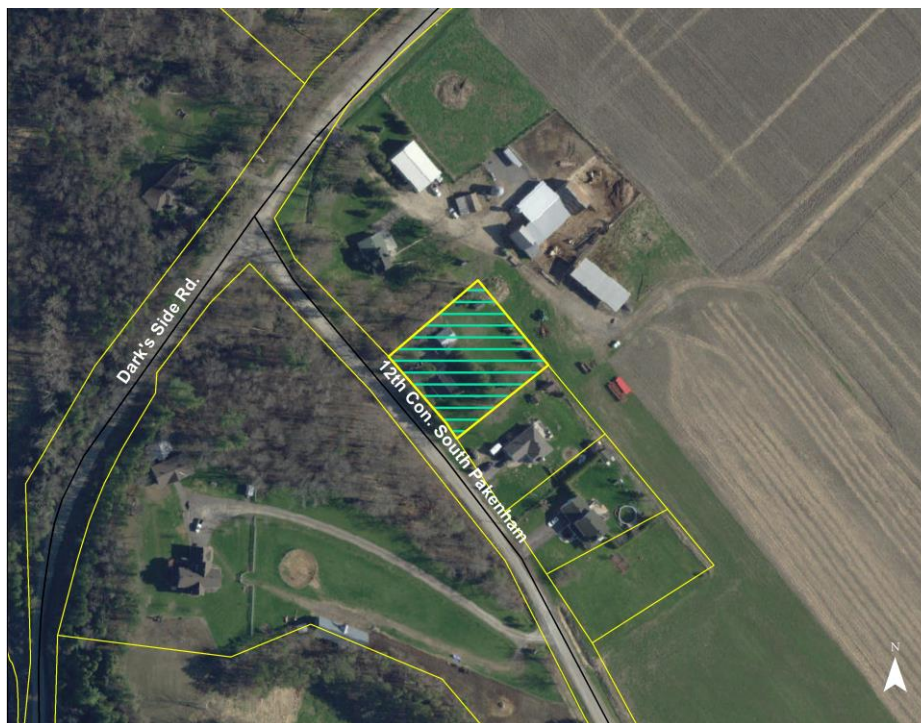
Table 1 – Requested Relief from Zoning By-law #11-83

Section	Zoning Provision	By-law Requirement	Requested
Table 11.2	Front Yard Setback, Minimum	9.0m (29.5ft)	5.79m (19ft)

DESCRIPTION OF SUBJECT LANDS

The subject property is located on 12th Concession South Pakenham in Pakenham Ward, south-east of the intersection of 12th Concession and Dark's Side Road. The subject property is located approximately ± 1 km of the municipal boundary. The property is ± 0.23 ha (0.575ac) in size with a frontage of ± 46.0 m (151ft). The property is occupied by a single detached dwelling. The property is generally surrounded by agricultural and low-density non-farm 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 and has driveway access from 12th Concession South Pakenham, 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.

CBO: The building department has reviewed this application and submit the following comments:

- 1) Fines for construction without a permit and applications and fees for applicable building permits will be required.

- 2) The distance to the front property line has been guessed using one survey pin that may or may not be accurately placed. We would recommend a survey of this front property line to ensure the accuracy of the site plan.

Fire Chief: No comments received.

Director of Roads and Public Works: No concerns.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority: 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 & Lanark District Health Unit: Please be advised that our comments are attached in File 59617 Maintenance Inspection Report.

COMMENTS FROM THE PUBLIC

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

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 "Agriculture" in the Municipality's Community Official Plan (COP). The Agricultural designation identifies prime agricultural areas with Classes 1 to 3 soils and the intent of the designation is protect large areas where these soils are predominant from interruption by non-agricultural designations and conflicting land uses. As per Policy 3.2.2(viii), non-farm residential dwellings are permitted within the Agricultural designation, subject to the Residential policies of the COP. 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 "Agricultural (A)" by the Municipality's Comprehensive Zoning By-law #11-83. The A Zone permits agricultural uses which are inclusive of agricultural, forestry and related accessory uses. A non-farm detached dwelling is permitted as per Section 7.1.3 of the Zoning By-law:

7.1.3 Existing Lots

(b) In the Agricultural (A) or Rural (RU) Zone, an existing lot or a lot created by the Lanark Land Division Committee may be used for non-farm residential purposes, notwithstanding that such lot may have lesser lot area and/or frontage than the minimum required and provided that such lot and building conforms to the provisions for

non-farm residential uses of the zone and all other provisions of this By-law, including the Minimum Distance Separation provisions of Section 6.10.

The applicant is applying to reduce the minimum required front yard setback for a non-farm residential use to permit the replacement and expansion of a legal non-conforming cold storage structure and the construction of a new addition at the side of the existing dwelling. Both structures would encroach into the minimum required front yard setback.

Minimum Front Yard Setback Requirement

The intent of the minimum front yard setback requirement is to provide sightlines for vehicular and pedestrian movement and safety, as well as maintain spatial separation between the dwelling and the lot line in order to accommodate off-street parking, landscaping and snow storage.

Sightlines: The existing driveway is located along the northwestern lot line with driveway access from 12th Concession South Pakenham. The proposed cold storage would replace and expand on a legal non-conforming cold storage area and its accessory projections at the front of the existing dwelling. The proposed enlarged cold storage area and its related accessories would be enlarged in width by 2.4m (8ft) and would not further encroach into the front yard setback. Given that the cold storage structure would maintain the established building line, sightlines will not be further obstructed by the replacement and expansion of the structure. The new addition would be located on the southeastern lot line and would not obstruct sightlines from the existing driveway access.

Parking: With respect to off-street parking, there is an existing detached garage located within the side yard of the existing dwelling with driveway access from 12th Concession S Pakenham. As such, the proposal does not impact parking requirements for the subject property.

Landscaping, Runoff, Maintenance and Snow Storage: The proposed variance maintains a setback of 5.79ft (19ft) from the front lot line. In regards to runoff, the proposal would increase hardsurface on the subject property by 71.7m² (772ft²) for a total building footprint of 154.4m² (1,662ft²), representing 6.6% lot coverage. Given the available remaining space in the front yard and on the subject property, Staff is of the opinion adequate usable space remains for landscaping, runoff, maintenance and snow storage.

Given the above, Staff is of the opinion that the proposed variance maintains the general intent of 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 subject lands as it would permit the owner to replace aging structures and expand the footprint of the existing dwelling thus maximizing the owners' personal enjoyment and use of the land.

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. As noted, the proposal has no foreseeable impacts on sightlines, parking, landscaping, runoff, maintenance and snow storage. Due to the site-specific nature of the 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?

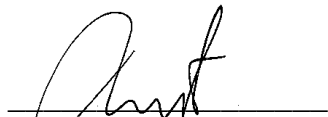
The proposed variance would reduce the minimum front yard setback from 9m to 5.79m (19ft), resulting in a requested relief of 3.21m (10.5ft). Staff do not consider the request significant from a qualitative perspective. The requested relief demonstrates no foreseeable impacts. Therefore, Staff is of the opinion that the requested variance is considered to be minor in nature.

CONCLUSION

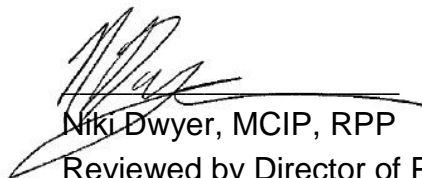
Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believe that Minor Variance application A-25-19 meets the four (4) tests for evaluating a Minor Variance 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 location survey identifying the location of the existing dwelling in proximity to the property lines; and**
3. **That the Owner obtain all required building permits.**

All of which is respectfully submitted,



Maggie Yet
Planner 1



Niki Dwyer, MCIP, RPP
Reviewed by Director of Planning

ATTACHMENTS:

SCHEDULE A – Site Plan
SCHEDULE B – Site Photo

Schedule A Site Plan

Oct 24-2019

Attn: Michael Cooke

Fax - 613-256-4887

Barr Site Plan
1436 12th Con S, Pakenham

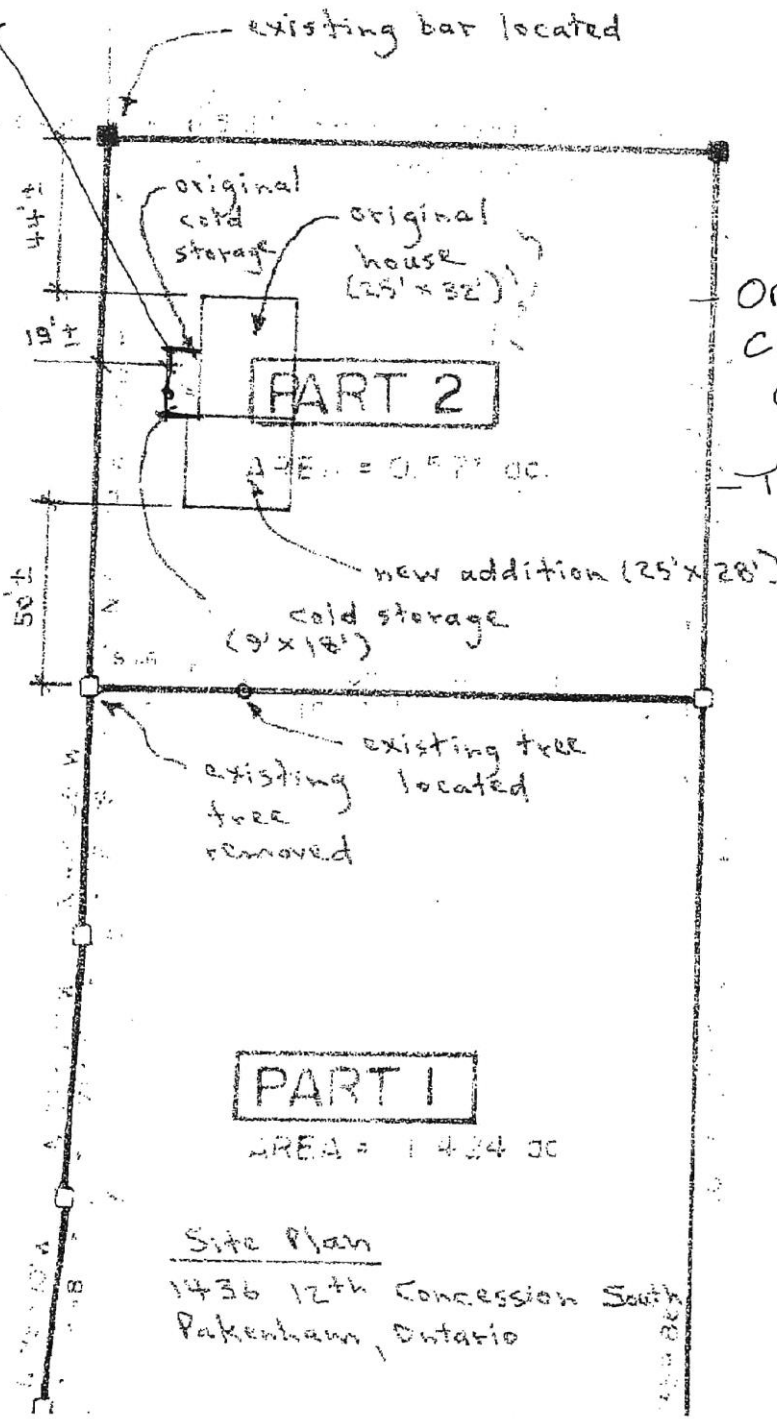
The attached plan is correct. The footings used for cold storage are original in width - 9', the only difference is the length, by 8' 2".

The house has been there for over 60 years,

Original footings 9 wide

existing gravel road

10/10/19
J. Mac



Original cold storage
9' x 10'

The new one
is same
width and
on same
footings
except for
length.

PART 1
AREA = 1434 sq

Site Plan
1436 12th Concession South
Pakenham, Ontario

Schedule B Site Photo (Submitted by Applicant)



THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: November 20, 2019
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-26-19 (D13-POR-19)**
Concession 2, Lot 24, Being Part 1 on Reference Plan 26R2849
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 1033 Bellamy Mills Road
OWNER/APPLICANT: David Porter

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Lot 24, Concession 2, Being Part 1 on Reference Plan 26R2849, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 1033 Bellamy Mills Road, to include a catering establishment as a permitted use within the Home-Based Business – Rural Business provisions, subject to the following conditions:

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

PURPOSE AND EFFECT

The owner/applicant is requesting relief from the Home-Based Business – Rural Business provision to permit a catering establishment within the Rural (RU) Zone. The catering establishment would be located within the existing residential dwelling. The Minor Variance request is outlined below:

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

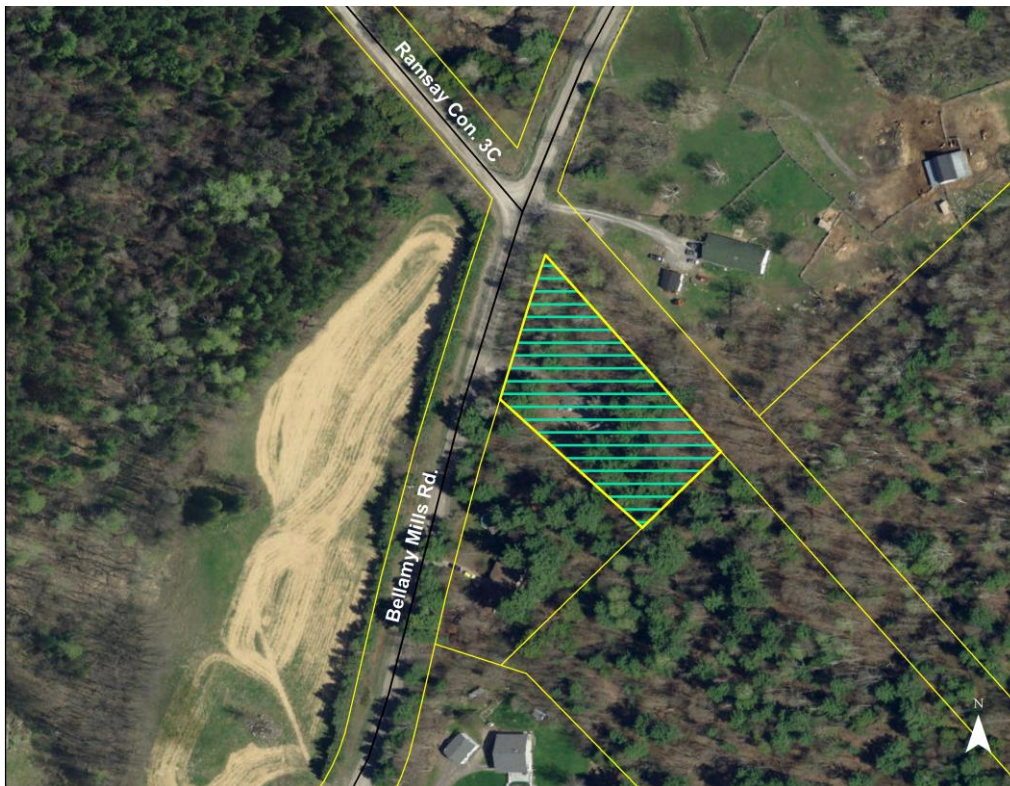
Section	Zoning Provision	By-law Requirement	Requested
8.11(1)	Home-Based Business – Rural Business	Where listed as a permitted use, a Home-Based Business – Rural Business may be conducted within a dwelling, a farm building or an accessory building and shall be limited to welding, machining, seed dealing, small machinery repaired, cabinet making, furniture	Where listed as a permitted use, a Home-Based Business – Rural Business may be conducted within a dwelling, a farm building or an accessory building and shall be limited to welding, machining, seed dealing, small machinery repaired,

		<p>making or repair, arts and craft studio, carpentry, the sale and service of equestrian equipment and trades person business purposes</p>	<p>cabinet making, furniture making or repair, arts and craft studio, carpentry, the sale and service of equestrian equipment and trades person business purposes, <u>and a catering establishment</u></p>
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DESCRIPTION OF SUBJECT LANDS

The subject property is located on Bellamy Mills Road in Ramsay Ward, south-east of the intersection of Bellamy Mills Road and Ramsay Concession 3C and abuts the unopened Ramsay Concession 3C road allowance along the north-east lot line. The subject property is located approximately ±816m from the boundary of the Village of Clayton. The property is ±1.06ac (46,173.6ft²) in size with a frontage of ±58.5m (192ft). The property is occupied by a single detached dwelling. 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 and has driveway access from Bellamy Mills Road, 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.

CBO: No comments received.

Fire Chief: No comments received.

Director of Roads and Public Works: No concerns.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority: 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: Health Inspectors conducted a food safety consultation at the facility on October 24th and it has been indicated that an additional two compartment sink for utensil washing is required to meet the Ontario Food Premises Regulation.

COMMENTS FROM THE PUBLIC

The Municipality received written comments from Maxwell Ariss and Ernie Wall. Written comments are attached in Schedule A for reference. Mr. Ken Laframboise, resident of adjacent property 1074 Bellamy Mills Road, provided verbal comments to Staff stating he had no objection to the application to permit a catering establishment.

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" in the Municipality's Community Official Plan (COP). The intent of the Rural designation is to protect rural uses and to permit appropriate residential development. Rural policies within the COP acknowledge that residential development in the rural landscape can be beneficial to the Municipality provided it is limited and does not encroach on rural-based operations and resources. Additionally, Policy 3.3.5(5) permits home-based business in accordance with the Residential policies of the COP. The intent of the policies for Home-Based Businesses is to provide opportunities for small business start-ups and stay-at-home self-employment within the Municipality, providing general policies to be

outlined and regulated through the Zoning By-law. 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 “Rural (RU)” by the Municipality’s Comprehensive Zoning By-law #11-83. The RU Zone permits rural uses which are inclusive of agricultural, forestry and non-farm residential uses. Home-Based Businesses are permitted within the RU Zone. The owner is applying to include a catering establishment as a permitted use under the Home-Based Business – Rural Business provisions.

Home-Based Business – Rural Business Provisions

The intent of the provisions for home-based businesses is to ensure home-based business operations are sufficiently limited in size and scale as to not disrupt or negatively impact the character of the surrounding neighbourhood.

The provisions for Home-Based Businesses are categorized generally by activity in the Zoning By-law, with categories for domestic and household arts, professional uses, rural business and farm vacation. In the RU Zone, all categories of Home-Based Businesses are permitted. As such, a wide range of uses is permitted as a home-based business, provided the operation meets the provisions for Home-Based Businesses, including: limiting the footprint of the operation to a maximum of thirty-three percent of the gross floor area of the dwelling, the use is secondary to the primary residential use of the dwelling, and has limited visual impact on the surrounding character.

The Zoning By-law does not specifically provide rationale for determining appropriate uses within each Home-Based Business category. Nonetheless, Staff consider it reasonable to assess the standard based on the proposed catering establishment’s impacts on visual, rural character and traffic and parking impact.

Visual: The applicant has stated that the operation will be located entirely within the dwelling and the operation will be conducted primarily in the kitchen. As such, the proposal would have negligible visual impact on the streetscape and adjacent properties. The applicant has stated that signage is limited to a sign above the mailbox on the subject property. Under the Home-Based Business – Rural Business provisions, signs are limited to 1m² in size and must not be flashing or backlit. Additionally, signs must adhere to the Municipality’s Sign By-law.

Rural Character: The proposed catering established would operate entirely on private services and future growth of the operation would be limited to what can be sustained by rural service levels. The operation of a catering establishment entirely within an existing dwelling would not disrupt the rural character of the surrounding area. Additionally, the operation is not expected to produce greater levels of sound, odour, dust, vibrations, fumes, smoke or waste disposal than that expected of a typical residential dwelling.

Parking and Traffic: The Zoning By-law requires 1 parking space per home-based business in Rural Areas and 1 parking space per dwelling unit for a detached dwelling. As such, the total parking required is two (2) spaces for the subject property. The applicant has stated that a total

of ten vehicle parking spaces are available on the subject property, exceeding the requirements for parking. Traffic generated by the catering establishment is expected to be minimal, as the operation presently offers a dinner-only take-out service between 3pm and 6pm and is frequented primarily by residents of the area as a stop on the commute home.

Given the above, Staff is of the opinion that the proposed variance maintains the general intent of 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 owner to operate a catering establishment as a home-based business within the existing dwelling. Home-based businesses provide significant opportunities for residents and local entrepreneurs to participate in the local economy by providing low-risk opportunities to incubate start-up and small businesses. Though the subject property is located within a rural area, it is in proximity of Clayton Village, a rural settlement area, and complements the mix of residential and commercial uses found within the Village while providing a service otherwise lacking within the rural area.

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. As noted, the catering establishment would have negligible impacts on the visual and rural character, parking and traffic. The proposed use would operate as a home-based business under the Rural Business provisions of the Zoning By-law which is a permitted use within the RU Zone. Due to the site-specific nature of the application, the proposal would not set a precedent for future applications. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

4. Is the proposal minor?

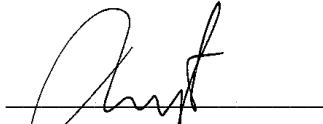
The proposed variance would permit a catering establishment under the Home-Based Business – Rural Business provisions. In the RU Zone, all categories of home-based businesses are permitted, which includes rural business, domestic and household arts, professional use and farm vacation. The proposal to operate a catering establishment as a home-based business demonstrates no foreseeable impacts to visual and rural character, parking and traffic. As such, Staff is of the opinion that the requested variance is considered to be minor in nature.

CONCLUSION

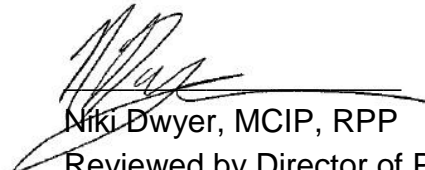
Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believe that Minor Variance application A-26-19 meets the four (4) tests for evaluating a Minor Variance 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; and**
- 2. That the owners obtain all required building and Health Unit permits.**

All of which is respectfully submitted,



Maggie Yet
Planner 1



Niki Dwyer, MCIP, RPP
Reviewed by Director of Planning

ATTACHMENTS:
SCHEDULE A – Comments from the Public

Schedule A Comments from the Public

Dear Maggie,

I am writing you today on behalf of Cyndi Porter or PorterHouse, located here in Clayton.

It has come to my attention that in recent weeks, PorterHouse has come into question with regards to its validity as an establishment.

I feel it is my duty to share with you our family experience, being a repeat customer and patron of PorterHouse.

Their food offerings are absolutely wonderful – in taste, variety, and overall quality. I truly cannot stress this enough.

Not only is the food amazing, but the location and convenience adds so much value to our little community; a community which prides itself on helping each other, and personally filling in the gaps inherently created by living out in the country.

The service we have received from Cyndi has been nothing short of friendly and professional. In fact, we receive far better service from PorterHouse then we typically would from a restaurant server or fast food clerk.

Lastly, the level of hygiene and quality set forth by PorterHouse's offerings has never come into question in our household. We are repeat customers, and for good reason; the level of consistency and quality has never wavered, and we are always blown away by the level of care put into our meals from PorterHouse.

Please pass this message along to the powers that be, so that they can perhaps better realize the importance of PorterHouse, and the community staple it has become.

With regards,

Maxwell Ariss & family
2640 Concession 10C
Clayton

RE: Minor Variance Application
File No. A-26-19
David Porter, Lot 11, Conc. 2
1033 Bellamy Mills Road, Ramsay

Dear Ms. Yet;

We are the owners of Con 3 West Part of Lot 23, Ramsay
Our property is used mainly as recreational property, primarily for our family's deer hunting.

Since Cyndi Porter opened her business we have taken advantage of her service several times.
We found her dinners well packaged and delicious.

We support this application for a minor variance and respectfully request that Ms. Porter be given permission to carry on her valuable service to the community.

Sincerely

Ernie and Helen Wall

For the attention of Maggie Yet.

I am writing in support of the PorterHouse home cooked meals business. This is in regard to the public hearing for variance on the 20th November 2019 at 5:30pm.

Several weeks ago I looked into finding a home delivery meal service for my 87 year old mother who is a resident of Almonte. She needed some help in maintaining a good diet as over the last year she had lost 10 lbs. It is often difficult for elderly people living alone to be motivated to cook seven days a week. This is especially true if their appetite has waned, or have limitations in their vision or mobility.

The results of an internet search surprised me as apart from Meals on Wheels, PorterHouse was the only business of this kind that I could find in the area! My mother had already tried Meals on Wheels and did not like the food, so this left only one option. We enlisted Cyndi for a trial run and this has been very successful!

Since starting with the PorterHouse dinners we have noticed improvement in my mother's overall health and happiness. She is much brighter and has more energy. After a lifetime of cooking for a large family, she feels such relief to not have to think about what to make on a daily basis. On delivery days she is happy to have outside contact arrive. I now have peace of mind knowing that she is eating three delicious, healthy and hearty meals/week.

I feel that Mississippi Mills Council should be encouraging home based businesses, not closing them down. This is especially true in this case, as Almonte has a large number of senior citizens. Something as simple as a delivered home cooked meal can allow a senior to stay in their own home.

It is my hope that you will grant PorterHouse the necessary variance to continue operating, as they are providing a very valuable service to our community.

Sincerely,
Christine Birkett
1194 Bellamy Mills Road
Clayton, ON

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: November 20, 2019
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-27-19 (D13-VAN-19)**
Plan 6262, Mitcheson Section, Lot 131
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 64 Waterford Street

OWNERS/APPLICANTS: Roger Vanderbraak

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Lot 131 in Mitcheson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 64 Waterford Street, to reduce the minimum required setback for a canopy projection from 3m from a lot line to 0.086m (8.6cm) to permit a canopy over the side door of a non-conforming attached garage, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the Owner obtain a survey to verify the distance of the attached garage and canopy projection from the lot line;**
- 3. That the Owner install eavestroughing on the canopy and that the discharged water from the downspout be directed into the rear yard of the subject property through a pipe; and**
- 4. That the Owner obtain all required building permits.**

PURPOSE AND EFFECT

The applicant/owner is requesting relief from the permitted projection provisions for a canopy from 1.8m but not closer than 3m to a lot line, to 0.086m (8.6cm) from a lot line to legally permit a canopy within the Residential Second Density (R2) Zone. The canopy is presently located in the interior side yard of the subject property and serves as a roof for a door of a legal non-conforming attached garage. The Minor Variance request is outlined below:

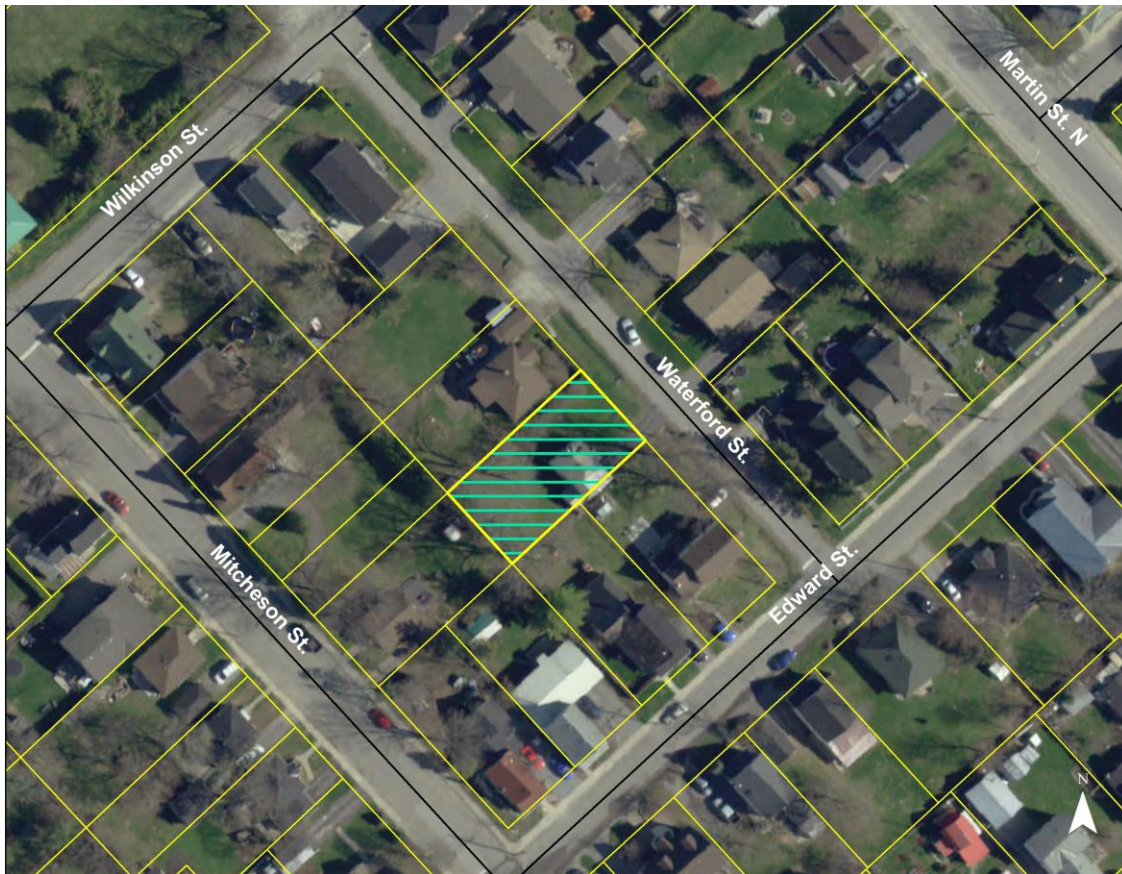
Table 1 – Requested Relief from Zoning By-law #11-83

Section	Zoning Provision	By-law Requirement	Requested
Table 6.19(4)(a)	Permitted Projections – Canopies and Awnings	Residential use buildings other than low rise apartment dwellings and mid-high rise apartment dwellings: 1.8m, but not closer than 3m to a lot line	Residential use buildings other than low rise apartment dwellings and mid-high rise apartment dwellings: 1.8m, but not closer than <u>0.086m (8.6cm)</u> to a lot line

DESCRIPTION OF SUBJECT LANDS

The subject property is located on Waterford Street in Almonte Ward between Wilkinson Street and Edward Street. The property is ±0.13ac (5,720ft²) in size with a frontage of ±16.76m (55ft). The property is occupied by a single detached dwelling with a legal non-conforming attached garage. 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 (2017)



SERVICING & INFRASTRUCTURE

The subject property is serviced by municipal water and sewer services and has driveway access from Waterford 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.

CBO: The building department has reviewed this application and our comments are as follows:

1. The canopy over the person door of the garage was not indicated in the original building permit application and therefore, was not part of our plans review. Had it been shown at that time we would have denied the permit until the requirements of the zoning by-law were met.
2. The removal of this canopy will not affect the performance of this building or the door as the original building application was reviewed and approved without this canopy.
3. There is a great potential for this canopy to direct water towards the neighbours property. We would recommend that if this application is to be approved eavestroughing be installed and the discharge water from the downspout be directed into a pipe and directed into applicants rear yard for discharge.
4. Due to the close proximity to the lot line we recommend a survey be required to verify the distances and ensure no encroachment of the canopy over the neighbouring property.

Fire Chief: No comments received.

Director of Roads and Public Works: No concerns.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority: 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.

COMMENTS FROM THE PUBLIC

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

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 projections 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 Second Density (R2)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R2 Zone permits a detached dwelling, duplex dwelling, semi-detached dwelling or triplex dwelling, and accessory uses, buildings and structures. The owner is applying to reduce the minimum required setback from a lot line for a projection to legally permit a canopy projection within the interior side yard of an existing dwelling. The canopy projection is located above a side door entrance to a legal non-conforming attached garage.

Permitted Projections – Canopies and Awnings

The intent of the provisions for permitted projections is to permit certain projections as part of a residential dwelling to encroach into required yards otherwise required by the Zoning By-law. Projections permitted in the Zoning By-law are generally limited in size and scale and do not negatively impact the functions served by required yards.

Side yards serve a range of functions, including providing sufficient spatial separation for maintenance, preventing runoff onto neighboring properties, and mitigating potential visual and privacy impacts. The canopy projection is not expected to negatively impact spatial separation for maintenance requirements or visual and privacy impacts; however, Staff foresee potential negative impacts to runoff due to the proximity of the assumed lot line. The existing location and placement of the canopy would require runoff be directed away from the adjacent property and away from the foundation. As such, Staff recommends that the applicant be required to install eavestroughing on the canopy to redirect runoff and that the discharged water from the downspout be directed into the rear yard through a pipe.

Given the above, Staff is of the opinion that the proposed variance maintains the general intent of 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 a canopy projection on a legal non-conforming attached garage, providing protection from inclement weather thus maximizing the owner’s personal enjoyment and use of the land.

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. As noted, the canopy projection would not interfere with the functions served by a required side

yard. The projection is limited in size and scale and would not lead to negative impacts on adjacent properties, provided that any runoff from the canopy projection is redirected appropriately. Due to the site-specific nature of the 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 maximum permitted projection of a canopy would reduce the requirement from a minimum of 3m to the lot line to 0.086m (8.6cm) to the lot line for a total requested relief of 2.91m to a lot line.

The Zoning By-law contemplates canopy and awning projections for two categories of buildings and uses: (a) residential use buildings not including low-rise and mid-high rise apartment dwellings, and (b) all other buildings including low-rise and mid-high rise apartment dwellings. In the latter category, the permitted distance from the lot line is dependent on the type of lot line, differentiating between front, rear, and exterior and interior side lot lines. Canopy and awning projections are permitted no closer than 0.6m to an interior side lot line and 3m to a front lot line.

However, for all other residential use buildings, including single detached dwellings, canopy and awning projections are permitted no closer than 3m to a lot line. Staff is of the opinion that the Zoning By-law has not contemplated canopy and awning projections in side yards for residential uses, where the minimum required interior side yard setback ranges from 3m to 1.2m for single detached dwellings in the R1 and R2 Zones. As such, there is generally less space within interior side yards for canopies and awnings over side door entrances.

Given the above, the proposal demonstrates no foreseeable impacts to maintenance and privacy to the property in question or to adjacent properties. Provided that runoff from the canopy is redirected appropriately into the rear yard, Staff is of the opinion that the requested variance is considered to be minor in nature.

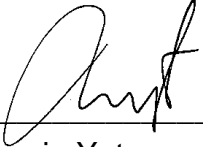
CONCLUSION

Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property and encourages aging in place with no foreseeable impacts to any other stakeholders. Staff believe that Minor Variance application A-27-19 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:

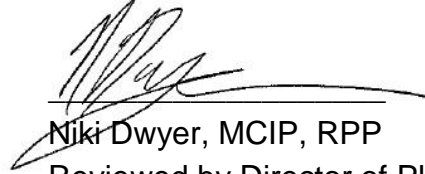
1. **That the Minor Variance is approved based on the plans submitted;**
2. **That the Owner obtain a survey to verify the distance of the attached garage and canopy projection from the lot line;**

- 3. That the Owner install eavestroughing on the canopy and that the discharged water from the downspout be directed into the rear yard of the subject property through a pipe; and
- 4. That the Owner obtain all required building permits.

All of which is respectfully submitted,



Maggie Yet
Planner 1

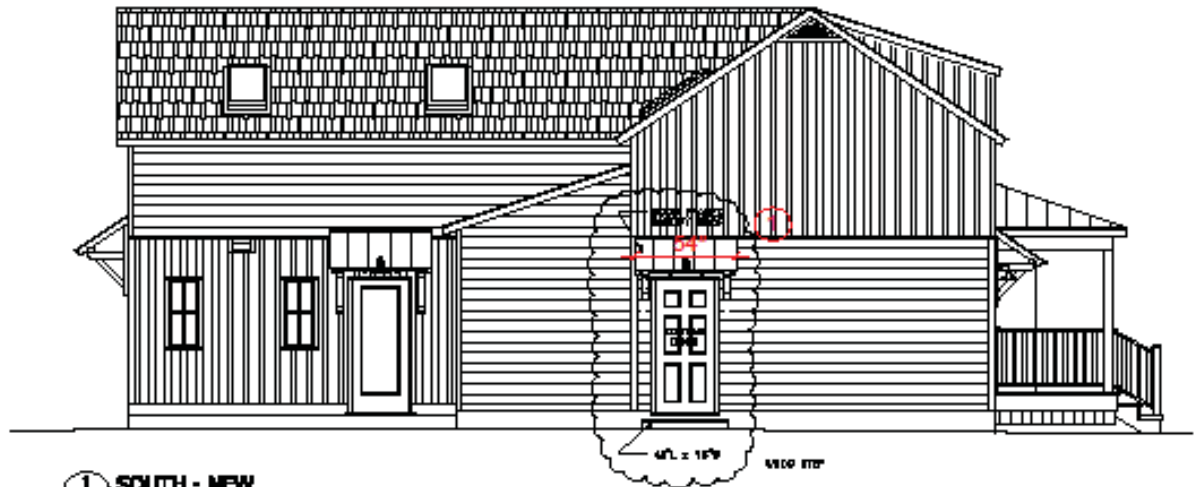


Niki Dwyer, MCIP, RPP
Reviewed by Director of Planning

ATTACHMENTS:

SCHEDULE A – Site Plan & Elevation Drawing

Elevation Drawing



1 SOUTH - NEW
W/F 1/2/18



2 WEST - NEW
W/F 1/2/18



3 EAST - NEW
W/F 1/2/18

64 WATERFORD ST
ELEVATIONS - CANOPY ROOF AND STEP
10/18/18

1 Roof dimensions added (Nov. 06, 2019)

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PROPERTY STANDARDS APPEAL

MEETING DATE: Wednesday November 20, 2019 @ 5:30pm
TO: Property Standards Committee
FROM: Niki Dwyer, Director of Planning
SUBJECT: **Property Standards Bylaw – Order to Remedy
 Appeal to Property Standards Committee**

PROPERTY: 170 Augusta Street
APPELLANT: Kimberly Walker-McTaggart

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Property Standards Committee provides direction in accordance with Section 15.3(3.1) of the Ontario Building Code Act respecting the Order to Remedy issued for the property known Municipally as 170 Augusta Street.

SUBJECT OF THE ORDER:

The Order to Remedy pertains to the property known as 170 Augusta Street in Almonte Ward. The property is composed of a single detached dwelling which is rented to the appellant, Ms. Kimberly Walker-McTaggart. Ms. Walker-McTaggart's sisters are the primary residents of the dwelling. The property is owned by Sheila Desjardins, resident of White Lake; Ms. Desjardins' has not been involved in the service of the Order to Remedy.

The purpose of the Order to Remedy which is under discussion was issued by Chief Building Official Daniel Prest on October 7th, 2019 and served upon Ms. Walker-McTaggart by registered mail. The purpose of the Order to Remedy related to the *“activity of leaving out food that may be attracting rodents, skunks, racoons or other animals that could be considered a nuisance and a hazard to an urban neighbourhood.”* (Schedule A).

The activity occurring was a violation of *Property Standards Bylaw* Section 2.1.1 and 2.2.1(5) which states as follows:

“Section 2.1.1 All urban lands shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.”

“2.2.1 (5) Every yard, including vacant lots, shall be kept clean and free from; injurious insects, termites, rodents, vermin or other pests.”

APPEAL:

On October 22, 2019, the Municipality received formal written Notice to Appeal from the appellant (Schedule B). The Notice of Appeal did not provide any explanation for the grounds of the appeal but did note a request for the waiving of the \$100.00 administrative fee.

BACKGROUND:**2018:**

The Municipality received the original complaint from an adjacent property owner in 2018 regarding the presence of skunks living under the porch of the property at 170 Augusta Street which the neighbour suggested was caused by the tenants of the property leaving cat food out overnight. The original complaint alleged that the presence of skunks was negatively impacting their quality of life.

In response to the complaint, Mr Prest, Bylaw Enforcement Officer and Chief Building Official for the Municipality, issued a Notice of Violation requesting the tenants cease leaving food outdoors in accordance with the Property Standards Bylaw. The tenants did not stop the activity and as a result Mr Prest issued an Order to Remedy on August 13, 2018. Ms Walker-McTaggart appealed the Order to Remedy to the Property Standards Committee however at the time the Municipality had not appointed such a committee.

On September 13th, 2018, Council appointed a Property Standards Committee and Mr Prest inquired with the complainant and the appellant for a possible date for a hearing but did not schedule a hearing. On October 25th, 2018, Mr Prest spoke with the complainant to confirm if they would be willing to testify at the hearing or would wish to withdraw the complaint. Mr Prest indicated that following no further contact by the complainant he determined the complaint to be abandoned and on November 6th, 2018 withdrew the Order to Remedy and informed the appellant and complainant of the closure of the file. At the time, Ms Walker-McTaggart maintains that she was advised that the file was closed and final.

On November 20th, 2018, the Municipality received an email from the appellant indicated that they still considered the occurrence to be a regular interruption of the enjoyment of their property. The author provided authorization for Mr Prest to reissue the Order on November 23rd, 2018 and advance the matter to the Property Standards Committee for consideration, however a new order was not issued.

2019:

On March 29, 2019 the Municipality received an email from Wendy Walker, one of the tenants of 170 Augusta Street, indicating concern related to trespass and "prowling" of the property by a named neighbour. The correspondence noted that she had contacted OPP and that an officer had attended the site in response to the complaint. The Municipality did not open a bylaw file as the complaint did not pertain to a Municipal Bylaw and OPP had responded accordingly.

On July 29th, 2019, the Municipality's Bylaw Enforcement Service received a separate complaint from another neighbour in the vicinity of 170 Augusta Street respecting the chronic free-feeding of wild animals and the collection and storage of garbage at the front and side of the dwelling (Schedule C).

On August 3rd, 2019 the Municipal Bylaw Enforcement Officer attended the site for inspection and personally served two letters on Ms Walker-McTaggart. The contents of the letter indicated that the original "Order to Remedy" continued to be in force and that this occurrence was considered a second violation.

Ms Walker-McTaggart attended the Municipal Office on August 7th, 2019 to meet with Mr Prest and the author to discuss her dissatisfactions with the issuance of a “Second violation” notice as she believed that the matter had been closed in totality. She also indicated that she has been feeding stray cats (not skunks) as a means of be-friending them and gaining their trust so that she can personally trap them and transfer them to the pound. She attested that there is a “significant stray cat problem” in the Augusta Street area that the Municipality has not addressed. She did not contest that she does leave food out for cats at the property.

The author noted that the policy of the Municipality is not to address feral or otherwise wandering cats as part of our Animal Control Bylaw and thus staff have no mechanism to act on enforcement of concerns pertaining to stray cats.

When the author questioned why the appellant does not simply use live traps to contain the cats, she indicated that she works shift work and does not want the animals to remain in cages which she is at work.

At the conclusion of the discussion, staff agreed to rescind the notice of second violation, and issue a new Notice of Violation, and subsequent Order to Remedy. The Order to Remedy which is presently under appeal was issued on October 7th, 2019.

ANALYSIS:

Given the duplicity of complaints received from neighbouring residents and the long-standing tenure of the complaints, it is the opinion of the author that the presence of skunks in the neighbourhood continue to be an issue and that the best way to assure that they migrate elsewhere is to remove their food source from the site. The provisions of the Section 2.2.1(5) are intended to ensure that residents keep properties clear of pests and rodents, which would include ensuring that activities on the site do not attract or otherwise encourage their presence.

Skunks can be attracted to sites for many reasons, but primarily they seek food or shelter. As they are omnivores, their diet ranges dramatically depending upon available foods however they exhibit preferences for readily available options¹. As they tend to only den for short period of time, removing an available food source that requires them to extend their scavenging area is a purposeful and humane method to ensuring they do not return².

While it is admirable that Mr Walker-McTaggart is attempting to remedy the alleged stray-cat issues in the neighbourhood, the Municipality does not have any documented history of complaints from residents regarding cats. Admittedly, this may be related to the fact that the Municipality has maintained policies which do not enforce stray-cat compliance however it is also common that we receive complaints that we cannot act upon but still log for record keeping.

¹ www.humansociety.org

² www.torontowildlifecentre.ca

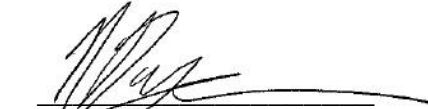
RECOMMENDATIONS AND OPTIONS:

Section 15.3(3.1) of the Ontario Building Code Act provides that the Property Standards Committee may do any of the following things if, in the opinion of the committee, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement.

1. Confirm the Order to Remedy;
2. Modify the Order to Remedy;
3. Rescind the Order to Remedy;
4. Extend the time for compliance with the Order.

Staff seek direction from the Committee regarding the preferred decision following discussion with the parties at the hearing.

All of which is respectfully submitted,



Niki Dwyer, MCIP, RPP
Director of Planning

ATTACHMENTS:

SCHEDULE A – Order to Remedy Violation of Standards of Maintenance and Occupancy (October 7, 2019)

SCHEDULE B – Notice of Appeal (October 22, 2019)

SCHEDULE C – Written Complaint (July 29, 2019)



ORDER TO REMEDY VIOLATIONS OF STANDARDS OF MAINTENANCE AND OCCUPANCY

Pursuant to Subsection 15.2-(2) of the Ontario Building Code Act, S.O. 1992, c. 23 as amended

To: **Kim Walker-McTaggart**
170 Augusta St.
Almonte, On.

7 Oct. 2019

RE: 170 Augusta St. On.

We issued a NOTICE on the 12th of August 2019 regarding the activity of leaving out food that may be attracting rodents, skunks, racoons or other animals that that could be considered a nuisance and a hazard to an urban neighbourhood.

This activity is considered a violation of sections 2.1.1. and 2.2.1.(5) of the Property Standards Bylaw which state;

2.1.1. "All urban lands shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants."

2.2.1(5) "Every yard, including vacant lots, shall be kept clean and free from; injurious insects, termites, rodents, vermin or other pests.

You were advised that if we received further complaints an ORDER would be issued. We have received further complaints regarding this continued activity of leaving out food.

You are hereby Ordered to immediately cease and desist from leaving any food, garbage or other items that attract rodents, skunks, racoons or other animals to your property anytime.

NOTE: This Order takes immediate effect whether or not an appeal is initiated.

Furthermore, should you fail to comply with this Order you will be charged with an offence under section 36(1)(b) of the Building Code Act of Ontario. Fines of \$500.00 a day may be assessed for non-compliance.

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order may appeal to the committee by sending a NOTICE OF APPEAL by hand or registered mail to the Secretary of the committee within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. Note: There is a \$100. Non-fundable fee for processing an Appeal Application.

A handwritten signature in blue ink, appearing to read 'Daniel J. Prest'.

Daniel J. Prest, CMMII
Chief Building Official



October 22, 2019

To: Property of Standards Committee
Re: Order To Remedy Violations of Standards of
Maintenance and Occupancy.

I Kim Walker-McTaggart would like to appeal the above noted Order that I received and signed for on October 09, 2019. I would also like to request that the \$160.00 fee appeal be waived since this process was unfairly administered to ensure that I would have to appeal.

Thank you

Kim Walker-McTaggart
170 Augusta St.
Almonte, Ontario
K0A 1A0

From: [REDACTED]
Sent: July 29, 2019 1:17 PM
To: bylaw.mles@gmail.com <bylaw.mles@gmail.com>
Cc: Dan Prest (MILLS TWP) <dprest@mississippimills.ca>
Subject: Second by-law complaint 170 Augusta st.

I am lodging a formal complaint against the individuals who reside at 170 Augusta Street who chronically free-feed wild animals and who collect and store garbage at the front and side of their house.

In 2018 I submitted an initial complaint regarding the free-feeding of wild animals (which was attracting raccoons and skunks onto my property) -- no action, that I am aware of, has been taken by the municipality as, from what I understand, there is no specific bylaw regarding the feeding of strays or wild animals. So I have had to endure the constant traffic of cats and large wild rodents on my property.

A secondary concern is the collection of putrid smelling garbage that is permanently stacked on the driveway (and just recently discovered, left side yard) of the tenant's house. Most Augusta Street residents have (and do) work very hard to keep their homes and properties tidy with the understanding that civic beautification improves the community for everyone. The curb appeal of our homes can increase (or, in my case potentially decrease) the value of properties by 30 percent. I am only raising this point because no amount of home beautification will help to sell or improve the value of my property if the neighbouring house is unkept and always smells so badly that sitting outside has become impossible. Most importantly, the stacking of garbage in the side yard and driveway along with the accumulation of feces is not only unsightly but unsanitary and poses a health risk for all of us.

I have endured the stench from animal feces and garbage from this property since I purchased my home three years ago. My neighbours have also lodged similar complaints. It seems that our complaints have fallen on deaf ears.

I have always felt that the best way to tackle a dispute with a neighbour is to talk it out and find a mutually agreeable solution. After all, we are neighbours and need to try to get along. However, my attempts to resolve this in a neighbourly fashion was unsuccessful. Many of my neighbours have also tried, on various occasions, to voice their concerns. We have all failed. Instead, we were met with open hostility and rudeness. There is obviously no room for accommodation.

Since I purchased my home, I have been making major renovations to the grounds and home exterior. Work is ongoing. Last year and most recently, the same tenant made two minor bylaw complaints against my property; one because I planted a 1.5 foot tall tree next to her driveway and the other because my building contractor was 2 inches short of the allowable parking distance from her driveway (neither posing a health risk to other residents or the tenant, realistically). Both times, my contractor and I were approached by the Town by-law officer and forced to abide by the bylaw or else we would be fined. We complied immediately to conform with the bylaws.

In both these cases, I was sad that the tenant did not approach me first to voice her concerns. I would have responded respectfully.

With great frustration, my neighbours and I are beyond seeking resolution through any form of civil discussion with regard to my (or their) complaints and concerns. To this end, I have sought the Town By-Law Office's intervention with growing concern for my personal health and safety.

I feel desperate at this point for some action to be taken - this chronic situation has become unbearable. My concerns deserve attention from the Town to take action.

I have included the bylaws which I believe are being broken and which also require immediate action so that both myself and other residents can comfortably and safely enjoy our property (indoor and outdoor - as the tenants inaction has resulted in discomfort both inside and outside my home).

This is a reasonable expectation to have as a property owner.

2.1.1 All urban lands shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.

As you will notice, there is a substantial pile of garbage (used kitty litter we believe as the smell is noxious) in front of a derelict vehicle in the driveway. There is also a large pile of garbage directly behind the fence in front of said vehicle which I believe to be old soiled sheets and comforters.

2.1.3 No derelict vehicle, scrap and/or junk material including, without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands or water front property unenclosed except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.

There has been a derelict vehicle sitting in the driveway for the entire 3 years that I have owned my property. It is a haven for stray cats and racoons. It also acts as a shield to hide the above mentioned garbage and the rotting food left outside.

**2.2.1 Every yard, including vacant lots, shall be kept clean and free from:
(1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard; See explanation in bylaw 2.1.1 above.**

2.2.4. The owner of a residential property shall maintain the residential property or part thereof and land which he/she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris in accordance with the Town of Mississippi Mills' Garbage By-law.

Again, as mentioned, the garbage being housed in the yard of the home is not only unsanitary but, extremely offensive smelling and wafts into my yard and that of my neighbours. The garbage in the driveway and side yard has been sitting way too long and is only adding to the stench that is already coming from the inside of the house (which neighbours have been suffering from for years).

As I taxpayer, I expect the Town to intervene so that I can safely enjoy my home.

I look forward to your response. Please feel free to walk my property at [REDACTED] to witness the infractions.

[REDACTED]

[REDACTED]

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