

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

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

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

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. DISCLOSURE OF PECUNIARY INTEREST

D. APPROVAL OF MINUTES

1. Committee of Adjustment – **Pages 1 to 4**
Committee motion to approve the Committee of Adjustment Minutes from the meeting held on July 19, 2017.
2. Committee of Adjustment – **Pages 5 to 7**
Committee motion to approve the Committee of Adjustment Minutes from the meeting held on December 13, 2017.

E. NEW BUSINESS

None.

F. HEARINGS

1. **Application A-11-17 – Pages 8 to 15**
Owner/Applicant(s): Jerry & Heather Leonard
Municipal Address: 314 Bellamy Mills Road
Legal Description: Concession 5, East ½ Part Lot 25
Ward: Ramsay
Zoning: Rural (RU)

The applicant is requesting to reduce the minimum frontage requirement for a non-farm residential use to facilitate the construction of a single-detached dwelling on vacant lot that does not have frontage but whose corner is adjacent to Bellamy Mills Road and would be accessed by a private laneway.

G. OTHER BUSINESS

1. Election of Committee Chair
Committee motion to nominate Committee Chair for 2018
2. Committee of Adjustment Meeting Schedule – **Page 16**
Committee motion to approve the 2017 Committee of Adjustment meeting schedule.

H. ANNOUNCEMENTS

I. ADJOURNMENT

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

Wednesday, July 19th, 2017, at 5:30 P.M.

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

PRESENT: Stacey Blair
Patricia McCann-MacMillan (Chair)

ABSENT: Christa Lowry

APPLICANTS/PUBLIC: A-08-17: Chris Clarke
A-09-17: Walter Kazda

STAFF: Andrew Scanlan Dickie, Junior Planner
Stephen Stirling, Town Planner, Recording Secretary

Planner called the meeting to order at 5:30 p.m.

A. APPROVAL OF AGENDA

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the Agenda be accepted.

CARRIED

B. DISCLOSURE OF PECUNIARY INTEREST

None

C. APPROVAL OF MINUTES

The Chair mentioned that she would like to see information added to the minutes from June 21st, 2017 that reflect the phasing process and project timing for Minor Variance application A-06-17 (McManus).

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT approval of the Minutes for the meeting of June 21st, 2017 be amended and deferred until the next Committee of Adjustment meeting.

CARRIED

D. NEW BUSINESS

None

E. HEARINGS:

1. Application A-08-17

Owner:	Jackson Homes Inc.
Applicant:	ZanderPlan Inc.
Municipal Address:	1186 Wolf Grove Road
Legal Description:	Conc. 4, Pt Lot 16, Plan 27R-10644, Part 3
Ward:	Ramsay
Zoning:	Rural (RU) & Environmental Protection (EP)

The applicants requested from the Committee of Adjustment permission to reduce the required minimum setback from Watercourses & Waterbodies from 30m (98.43ft) to 22m (72.17ft) to legally recognize the construction of a single detached home.

The applicant, Chris Clarke of ZanderPlan Inc, spoke on behalf of the owner, Jackson Homes Inc, and spoke to the history of the application process. The subject lot was created through Consent and required a Consent agreement, within which conditions related to nearby Provincially Significant Wetlands were agreed upon. At the time, GIS mapping determined that a nearby stream was far enough away to permit development. It was later noticed, by both the owner and MVCA after a site visit, that the stream was closer than originally indicated and that the proposed footprint falls within the required setback. The Minor Variance application is a response to this new information. No opposition was heard from the community and the Committee voiced no concerns with the requested relief.

**Moved by Stacey Blair
Seconded by Patricia McCann-MacMillan**

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance application A-08-17 for the lands legally described as Concession 4, Part Lot 16, Plan 27R-10644, Part 3, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 1186 Wolf Grove Road, to reduce the minimum required setback from Watercourses & Waterbodies from 30m (98.43ft) to 22m (72.17ft) to legally recognize the construction of a single detached dwelling and the positioning of its septic system, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the owners obtain That the owners obtain all required Municipal and MVCA building permits; and**
- 3. That the owner obtains Site Plan Control approval and enters into a Site Plan Agreement with the Municipality for the proposal.**

CARRIED

2. Application A-09-17

Owner: Shawn Kazda
Applicant: Walter Kazda
Municipal Address: 238 Victoria Street
Legal Description: Block F, Part Lots 1 and 2
Henderson Section, Plan 6262
Ward: Almonte
Zoning: Residential Second Density (R2)

The applicants requested from the Committee of Adjustment permission to reduce the minimum required lot area from 450m² (0.11ac) to 375m² (0.09ac) in order to facilitate a Consent application for the creation of a new residential infill building lot to be heard by the Lanark County Land Division Committee.

The applicant, Walter Kazda, spoke to request, sharing that the Consent process required him to pursue a Minor Variance relief to accommodate the resulting smaller lot size. Having originally received approval in October 2016, a later acquired survey determined that the requested relief still did not meet the actual property area. The Minor Variance application is in response to this miscalculation.

The Chair asked the applicant whether he was aware of the opposition put forward by Marion MacDonald regarding the effects of potential blasting on neighbouring homes. He said that he was not, but that the opposing party had voiced concerns during the original Minor Variance process. The Chair explained the measures followed by blasting companies to relieve any concern. Nonetheless, the applicant stated that the likely outcome will be a concrete slab foundation and that ground work will be limited to providing servicing to the lot. The Committee voiced no concerns with the requested relief.

Moved by Patricia McCann-MacMillan
Seconded by Stacey Blair

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance application A-09-17 for the lands legally described as Block F, Part Lots 1 and 2, Henderson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 238 Victoria Street, to reduce the minimum lot area requirement for a detached dwelling in order to facilitate a Consent application for the creation of a new residential infill building lot to be heard by the County of Lanark land Division Committee, subject to the following conditions:

- 1. That the owner obtains all required building permits:**
- 2. That approval be obtained for a Consent application and a Site Plan Control application for the proposed infill building lot; and**
- 3. That the Minor Variance is approved based on the plans submitted.**

CARRIED

F. OTHER BUSINESS

The planner gave an update on Minor Variance application A-06-17 and their decision to not pursue the garage at this point in time. They are currently going through the demolition and building permit process.

G. ANNOUNCEMENTS

None

H. ADJOURNMENT

There being no further business before the Committee, the meeting adjourned at 5:45pm

Stephen Stirling, Recording Secretary

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

Wednesday, December 13th, 2017, 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-10-17: Zoe Bowler

STAFF: Andrew Scanlan Dickie, Junior Planner, Recording Secretary

Planner called the meeting to order at 5:37 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. JUNE 21, 2017 MEETING

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

CARRIED

2. JULY 19, 2017 MEETING

Christa Lowry was absent from the July 19th meeting and thus could not vote.

Moved by Stacey Blair
Seconded by Christa Lowry

THAT approval of the Minutes for the meeting of July 19th, 2017 be deferred until the next Committee of Adjustment meeting.

CARRIED

D. NEW BUSINESS

Election of Committee Chair for 2018

**Moved by Christa Lowry
Seconded by Stacey Blair**

THAT the election of a Committee Chair be deferred until the next Committee of Adjustment meeting.

CARRIED

E. HEARINGS:

1. Application A-10-17

Owners: Zoe Bowler
Municipal Address: 17 Tatra Street
Legal Description: Plan 10343, Lot 12
Ward: Almonte
Zoning: Residential First Density (R1)

The applicant requested from the Committee of Adjustment permission to reduce the minimum front lot line setback for an accessory use in order to facilitate the positioning of a 2.3m x 2.3m hot tub in a portion of the front yard that is enclosed by fencing and hedges.

The applicant, Zoe Bowler, spoke to the nature of the request and the current situation. The Committee saw no issues, but inquired whether there were any safety concerns of locating the hot tub closer to the lot line. The Planner stated that the only possible issue that came up was the proximity to the transformer at the front lot line. However, the hot tub would maintain at least 1.5m from the transformer, as required by the Ottawa River Power Corporation.

**Moved by Christa Lowry
Seconded by Stacey Blair**

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Plan 10343, Lot 12, Almonte Ward, Municipality of Mississippi Mills, municipally known as 17 Tatra Street, to reduce the minimum required setback from a front line from 6.0m (19.68ft) to 1.52m (4.99ft) in order to legally recognize the placement of an accessory structure (hot tub), subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted; and**
- 2. That the owners obtain all required Municipal and MVCA building permits.**

CARRIED

F. OTHER BUSINESS

1. Committee of Adjustment Meeting Schedule 2018

**Moved by Christa Lowry
Seconded by Stacey Blair**

**THAT approval of the Meeting Schedule for 2018 be deferred until the next Committee of Adjustment meeting; and
THAT the Planner provide multiple schedule options for the Committee to consider.**

G. ANNOUNCEMENTS

None

H. ADJOURNMENT

There being no further business before the Committee, the meeting was adjourned at 5:49 p.m.

Andrew Scanlan Dickie, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday January 17, 2018 @ 5:30 p.m.
TO: Committee of Adjustment
FROM: Andrew Scanlan Dickie – Junior Planner
SUBJECT: **MINOR VARIANCE APPLICATION A-11-17 (D13-LE-17)**
Concession 5, East ½ Part Lot 25
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 314 Bellamy Mills Road
OWNER/APPLICANT(s): Jerry & Heather Leonard

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Concession 5, East ½ Part Lot 25, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 314 Bellamy Mills Road to reduce the minimum required non-farm residential road frontage from 45m (147ft) to 0m to facilitate the legal construction of a future dwelling, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the owner obtains all required building permits;**
- 3. That an agreement be entered into with and to the satisfaction of the Municipality and registered on title to the owners' property with respect to the construction, repair, maintenance, use, insurance and such other matters as determined by the Municipality for use of the unopened road allowance; and**
- 4. That the proposed laneway be built to the satisfaction of the Municipality's Fire Chief and Director of Roads and Public Works.**

PURPOSE AND EFFECT

The applicant is requesting to reduce the minimum frontage requirement for a non-farm residential use to facilitate the future construction of a single-detached dwelling on a vacant lot that does not have frontage but whose corner is adjacent to Bellamy Mills Road and the Concession 6D unopened and unmaintained road allowance. The requested Minor Variance is as follows:

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

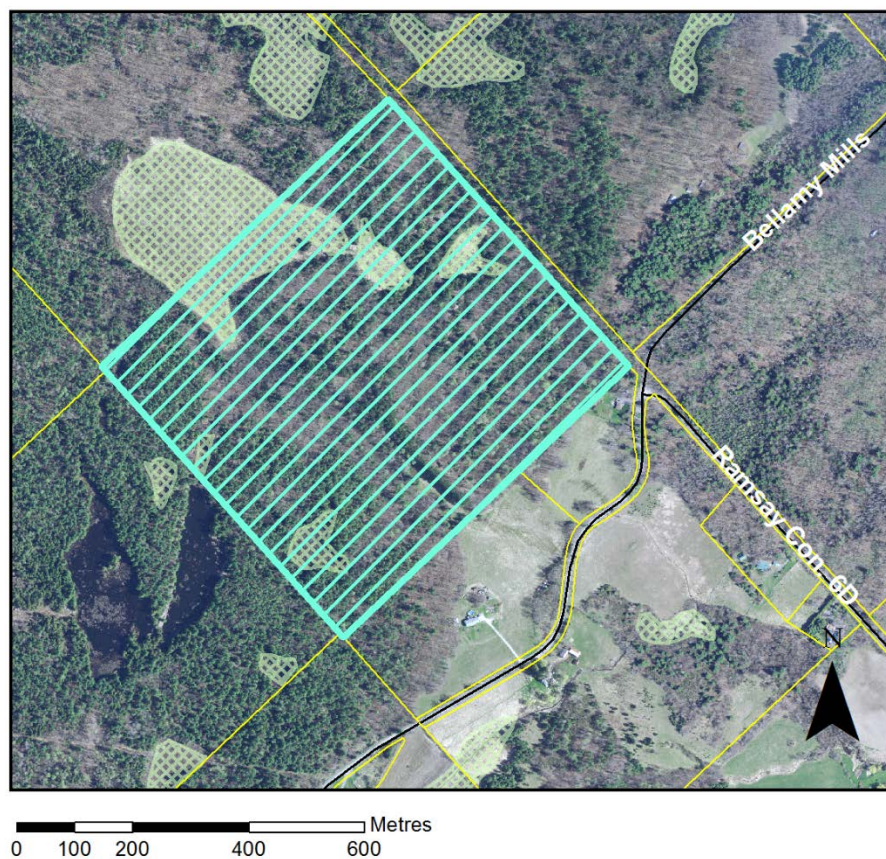
Section	Zoning Provision	By-law Requirement	Requested
12.2 Table 12.2	Lot Frontage, Minimum (Non-Farm Residential)	45m	0m

The intent of the request is to recognize a laneway across the unopened road allowance to the north of Ramsay Concession 6D as sufficient access to an otherwise landlocked parcel. The laneway would be used as an approximately 21m (69ft) road from Bellamy Mills Road to the eastern corner of the subject property.

DESCRIPTION OF SUBJECT LANDS

The subject property is located near the intersection of Bellamy Mills Road and Ramsay Concession 6D, along the unopened road allowance extending northward, within the Ward of Ramsay. The lot is ±42.2ha (104.4ac) in size with no frontage. The dimensions of the lot are approximately 679m (width) x 620m (depth). It is surrounded by a combination of rural residential, rural farm, and vacant wooded lots. The property is depicted below:

Figure 1. – Aerial Photo of Property (2014)



SERVICING & INFRASTRUCTURE

The subject property does not have existing servicing, but would require private well and septic as part of future development on the site. The lot does not have direct frontage, but would access Bellamy Mills Road, a municipally owned and maintained road, via the proposed laneway. Municipal servicing and infrastructure demands will not change because of the application.

COMMENTS FROM CIRCULATION OF THE APPLICATION

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

COMMENTS FROM INTERNAL CIRCULATION

CAO: Does an agreement need to be entered into for use of the unopened and unmaintained Concession 6D road allowance to address liability and maintenance requirements?

CBO: No concerns.

Fire Chief: No concerns.

Director of Roads and Public Works: No concerns.

Recreation Coordinator: No concerns.

COMMENTS FROM COUNCIL

Municipal councillors have generally expressed a hesitation towards the application, feeling that its approval could create a precedent. The initial reluctance stemmed from an error from within the Planning Department. A sketching mistake resulted in the intent appearing to be that the applicant would run the laneway across private property. After a confirmation with the land owner, the intent remains to exit the property entirely on the unopened road allowance.

COMMENTS FROM EXTERNAL AGENCIES

The Leeds, Grenville and Lanark Health Unit has no objections or concerns with the relief to the road frontage requirement. However, a permit would be required for future development.

COMMENTS FROM THE PUBLIC

A neighbour spoke with the Planner and expressed concerns with the application but preferred to not be included in the report and will attend the January 17th meeting.

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 Rural designation permits a variety of uses, inclusive of agricultural, commercial, industrial, and residential uses. Section 3.3.5(1) of the COP directly addresses frontage for residential development, stating:

Section 3.3.5 Residential Development

(1) one single detached dwelling and accessory structures shall be permitted on a lot having frontage on an open and maintained road and subject to other provisions of this Plan and the Zoning By-law.

The subject property does not have frontage along an open and maintained road but is within close proximity to Bellamy Mills Road. The intent of maintaining road frontage for residential development is to ensure that there is: (1) sufficient space to accommodate a laneway; (2) sufficient space to accommodate a home and the required setbacks of the Zoning By-law; and (3) a road of acceptable standard to accommodate maintenance and emergency vehicle access.

The subject property, being ±42.2ha (104.4ac), has sufficient area to accommodate a home and the associated setbacks, and can accommodate the position of a laneway if permitted. The Roads & Public Works Department and Fire Department have no concerns regarding the application, granted that the laneway be built to their satisfaction to facilitate emergency vehicles.

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 R1 Zone permits a variety of uses, inclusive of a detached dwelling, a home-based business, agriculture, and accessory uses, buildings and structures. The owner is applying to reduce the minimum required road frontage to legally recognize the lot for possible future home construction.

Minimum Frontage Requirement

The intent of maintaining road frontage for residential development is to ensure that there is: (1) sufficient space to accommodate a laneway; (2) sufficient space to accommodate a home and the required setbacks of the Zoning By-law; and (3) a road of acceptable standard to accommodate maintenance and emergency vehicle access.

As mentioned above, the property has sufficient area to accommodate a dwelling, its setbacks, and a laneway. The Roads & Public Works Department and Fire Department have no concerns regarding the application, granted that the laneway be built to their satisfaction to facilitate emergency vehicles.

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 allow for the lack of frontage to be legally recognized, thereby permitting the potential construction of a detached dwelling, and thus maximizing the owners’ use of the property.

The proposal is desirable within the context of the neighbourhood and the Municipality as a whole as there are no foreseeable land use impacts as a result of the proposed variance. The property would maintain the low-density development character of the Rural area and would be required to abide by the zone’s appropriate setbacks. The lot does have unevaluated wetlands and streams running through it and would thus be subject to further screening by the Municipality at the building permit stage to assess if the future home location would be in accordance with environmental setbacks set by the Mississippi Valley Conservation Authority.

The proposed laneway would only be built along the unopened road allowance and would not require the use of the adjacent private property. The use of the right-of-way would not provide

the landowner sole rights to that land. Rather, the portion of laneway on the road allowance would remain traversable by the public, maintaining access to landlocked properties to the north.

4. Is the proposal minor?

The proposed variance to the minimum road frontage for a non-farm residential use in the RU Zone would reduce the requirement from 45m (147.6ft) to 0m. While this may seem like significant relief quantitatively, the impact remains minor and would maintain the existing rural-residential character of the surrounding area. The primary concern would be the potential proximity of a future home to the residential lot to the immediate south (corner of Ramsay Concession 6D and Bellamy Mills Road) – the development would potentially be intrusive, given the current use of the subject lot is almost entirely woodland and thus provides significant privacy. Nonetheless, the subject property would still be required to follow the remaining zoning standards of a rural lot, which were established to address various factors, inclusive of privacy.

Concerns have been heard regarding a precedent that such an application may cause future requests within the Municipality. It is important to note that each application is assessed based on its individual merits and the support of other municipal departments. In this case, the Roads & Public Works and Fire Departments have no concerns with the application. Further, the laneway would not contribute to adjacent property owners obtaining their own relief as they already have maintained roads from which to enter. Further, the proposed laneway would be too short to accommodate those lots that are significantly further down the unopened road allowance.

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 the rural character of the surrounding area. Staff believes that Minor Variance Application A-11-17 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore 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, 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 obtains all required building permits;**
- 3. That an agreement be entered into with and to the satisfaction of the Municipality and registered on title to the owners' property with respect to the construction, repair, maintenance, use, insurance and such other matters as determined by the Municipality for use of the unopened road allowance; and**
- 4. That the proposed laneway be built to the satisfaction of the Municipality's Fire Chief and Director of Roads and Public Works.**

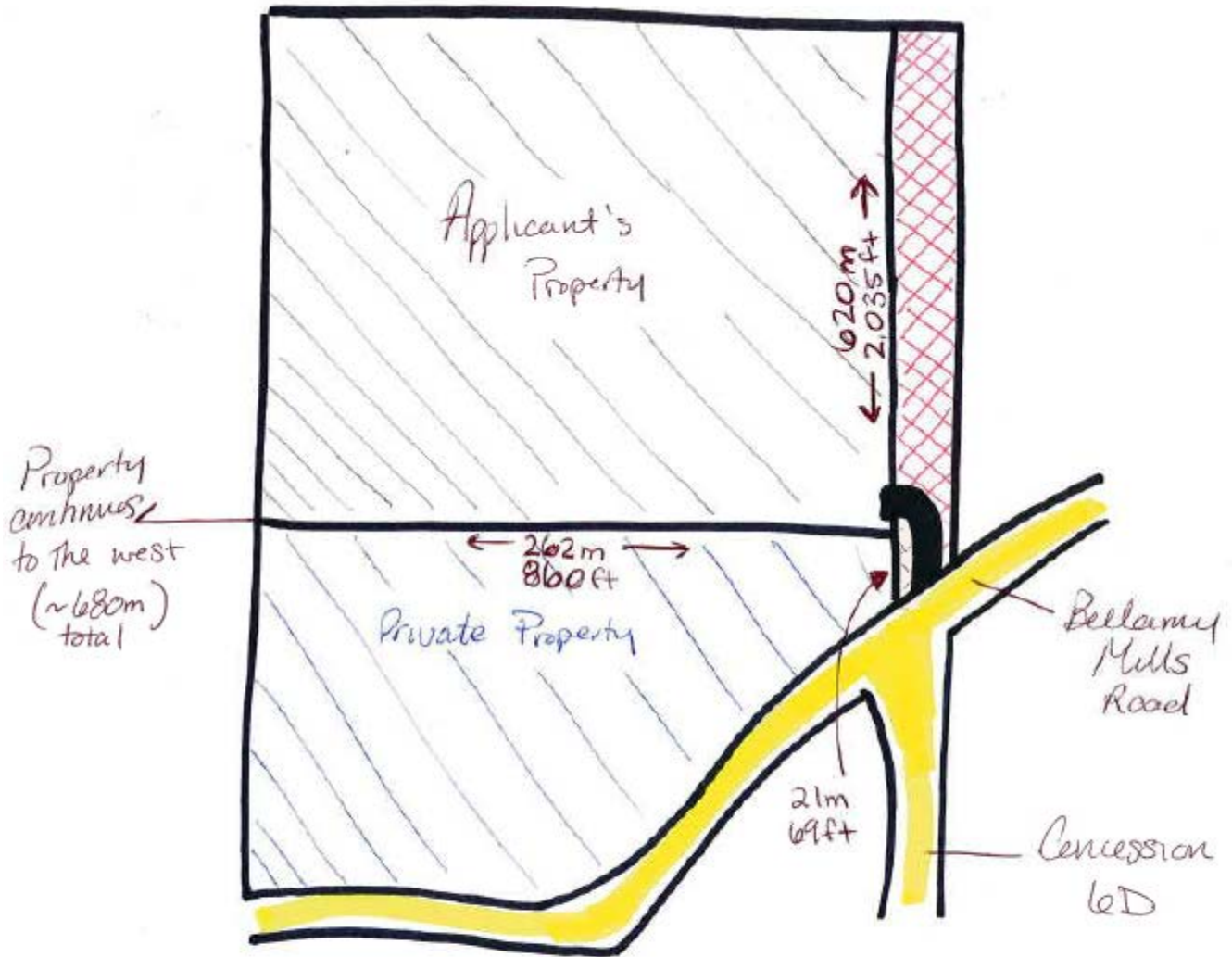
All of which is respectfully submitted,




Andrew Scanlan Dickie
Junior Planner

Diane Smithson
Reviewed by CAO

APPENDIX

Site Sketch

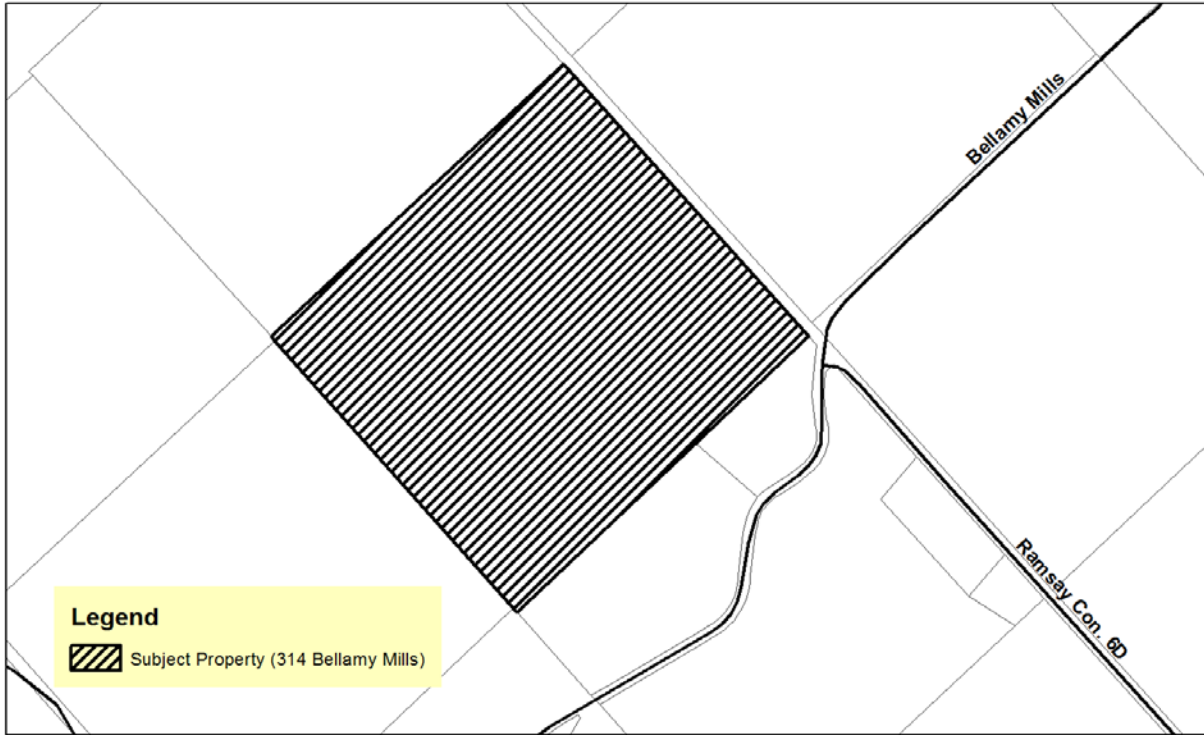


-  Opened Road Allowance
-  Unopened Road Allowance
-  Proposed Access laneway over unopened road allowance

Location Map



Minor Variance Application A-11-17
Concession 5, East 1/2 Part Lot 25
Ramsay Ward, Municipality of Mississippi Mills
314 Bellamy Mills Road



Tree Line at Intersection near Proposed Laneway



Committee of Adjustment

2018 Meeting Schedule

Public Meeting Date	Deadline for Receipt of Applications	Circulation/Notice Sign Deadline	Last Day to Appeal
January 17, 2018	December 15, 2018	January 5, 2018	February 6, 2018
February 21, 2018	January 19, 2018	February 9, 2018	March 13, 2018
March 14, 2018	February 9, 2018	March 2, 2018	April 4, 2018
April 11, 2018	March 9, 2018	March 30, 2018	May 1, 2018
May 23, 2018	April 20, 2018	May 11, 2018	June 6, 2018
June 20, 2018	May 18, 2018	June 8, 2018	July 10, 2018
July 18, 2018	June 15, 2018	July 6, 2018	August 7, 2018
August 15, 2018	July 20, 2018	August 4, 2018	September 4, 2018
September 19, 2018	August 17, 2018	September 7, 2018	October 9, 2018
October 10, 2018	September 7, 2018	October 3, 2018	October 30, 2018
November 14, 2018	October 12, 2018	November 2, 2015	December 4, 2018
December 12, 2018	November 9, 2018	November 30, 2018	January 1, 2019