

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

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

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

**A. CALL TO ORDER**

**B. APPROVAL OF AGENDA**

**C. DISCLOSURE OF PECUNIARY INTEREST**

**D. APPROVAL OF MINUTES**

1. Committee of Adjustment – **Pages 1 to 5**  
Committee motion to approve the Committee of Adjustment minutes from the meeting held on February 19<sup>th</sup>, 2020.

**E. NEW BUSINESS**

None.

**F. HEARINGS**

1. **Application A-06-20 – Pages 6 to 20**  
**Owner(s)/Applicant:** Derek Unrau  
**Legal Description:** Part Lots B & C, Plan 6262, being Part 1 on RP 26R1808  
**Address:** 101 Main Street E  
**Zoning:** Downtown Commercial (C2)  
  
The owner/applicant is requesting relief from the provisions of the Downtown Commercial (C2) Zone to permit the following for a non-conforming detached dwelling: a secondary dwelling unit, increasing the height of the existing dwelling from 5.18m (17ft) to 5.49m (18ft) to raise the height of the basement, and a detached garage in accordance with the accessory structure provisions of the R1 Zone. The proposed secondary dwelling unit would be located in the basement.
  
2. **Application A-09-20 – Pages 21 to 30**  
**Owner(s)/Applicant:** Lyn Wilson  
**Legal Description:** Lot 21 on Registered Plan 27M-78  
**Address:** 856 Jack Dalgity Street  
**Zoning:** Residential First Density Subzone I Exception 33 (R1I-33)

The owners/applicant is requesting relief from the minimum rear yard setback requirement from 6m (19.7ft) to 4.4m (14.44ft) of the Residential First Density Subzone I Exception 33 (R1I-33) Zone to permit an addition at the rear of the existing dwelling. The proposed addition would be used as a sunroom and would replace an existing deck. The Minor Variance request is outlined below.

**G. OTHER BUSINESS**

None.

**H. ANNOUNCEMENTS**

None.

**I. ADJOURNMENT**

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

**Wednesday, February 19, 2020, at 5:30 P.M.**

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

**PRESENT:** Stacey Blair (Acting Chair)  
Connie Bielby

**REGRETS:** Patricia McCann-MacMillan (Chair)

**APPLICANTS/PUBLIC:** A-02-20: Rod Price (Applicant)  
Barry Sweetman (Owner)  
A-03-20: David Frisch (Owner/Applicant)  
Kim Narraway (Owner/Applicant)  
John Riordan  
A-04-20: Rod Ayotte (Applicant)  
A-05-20:

**STAFF:** Maggie Yet, Planner 1, Recording Secretary

---

Acting Chair of the Committee called the meeting to order at 5:31 p.m.

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

**CARRIED**

**K. DISCLOSURE OF PECUNIARY INTEREST**  
None.

**L. APPROVAL OF MINUTES**  
1. **January 15<sup>th</sup>, 2020 PUBLIC MEETING**  
**Moved by Stacey Blair**  
**Seconded by Connie Bielby**

**CARRIED**

**M. NEW BUSINESS**  
None.

**N. HEARINGS**

1. **Minor Variance Application A-02-20**  
**Owner(s):** Barry Sweetman & Nyssa Schmidt  
**Applicant:** Rortar Land Development Consultants (Rod Price)  
**Legal Description:** Lot 9, Henderson Section, Plan 6262  
**Address:** 136 Brougham Street  
**Zoning:** Residential Second Density (R2)

The applicant is requesting relief from the minimum lot frontage requirement of 10m to 6.75m and minimum lot area requirement from 320m<sup>2</sup> to 222.2m<sup>2</sup> in the Residential Second Density (R2) Zone for an existing semi-detached dwelling. The requested relief would constitute a condition of approval for a Consent application to the County of Lanark for a proposed severance of the semi-detached dwelling into two legally conveyable land holdings.

The Acting Chair opened the floor to comments by the Applicant. The Applicant provided comments regarding the requested relief. No other comments were received.

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

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands described legally as Lot 9, Henderson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 136 Brougham Street, to reduce the minimum lot frontage for a semi-detached dwelling from 10m (32.81ft) to 6.75m (22.1ft) and minimum lot area from 320m<sup>2</sup> (3,444.5ft<sup>2</sup>) to 222.2m<sup>2</sup> (2,391.7ft<sup>2</sup>) in the Residential Second Density (R2) Zone, subject to the following conditions:**

1. That the Minor Variances are approved based on the plans submitted;
2. That the variance is conditional upon Consent approval from the County of Lanark;
3. That separate water and sanitary connections are installed in each unit with standposts and water meters;
4. That an agreement is registered on the title of the two properties specifying sharing arrangements for the shared driveway, wooden ramp, portico and patio;
5. That the Owners install fire separation to meet existing standards for semi-detached dwellings held in separate ownership; and
6. That the Owners obtain all required building permits.

**CARRIED**

**2. Minor Variance Application A-03-20**

**Owner(s)/Applicant:** David Frisch & Kim Narraway

**Legal Description:** Lots 71 & 72, Plan 6262

**Address:** 39 Cameron Street

**Zoning:** Residential Second Density (R2)

The owners/applicants are requesting relief from minimum rear yard setback from 7.5m to 4.5m within the Residential Second Density (R2) Zone to expand a legal non-complying addition at the rear of the dwelling. The proposal would result in the partial demolition of the existing addition and expanded in the rear yard by an additional 1.2m (3.9ft).

The Acting Chair opened the floor to comments. C Bielby questioned if the hobby shed would be removed to which the Owner responded affirmatively. No other comments were received.

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

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

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

**CARRIED**

**3. Minor Variance Application A-04-20**

**Owner(s):** Adel Girgis & Nashaat Mekhaeil  
**Applicant:** Rod Ayotte  
**Legal Description:** Part Lot 2, McClellan Section, Plan 6262, being Part 1 on Reference Plan 27R5684  
**Address:** 55 Spring Street  
**Zoning:** Residential Second Density Exception 6 (R2-6)

The applicant is requesting relief from the minimum exterior side yard setback from 6m to 4.1m and the minimum rear yard setback from 7.5m to 6.9m in the Residential Second Density Exception 6 (R2-6) Zone to permit the construction of an addition for a proposed pharmacy at the rear of an existing dwelling. The pharmacy would front onto State Street.

The Acting Chair opened the floor to comments. Staff summarized comments received from the residents of 51 Spring Street and the Almonte General Hospital following the finalization of the meeting agenda and provided a response to the comments. The comments were as follows:

Regarding property and resale values: Staff responded that potential impacts on property values are not considered as part of the analysis for minor variance applications as they do not constitute land use planning rationale.

Regarding landscaping: Staff responded that the proposal is subject to Site Plan Control whereby a landscaping plan indicating landscape, vegetation and buffering and screening is required and examined by Staff in further detail.

Regarding the physical characteristics of the proposal: Staff responded that the physical characteristics will be further examined at time of Site Plan Control.

Regarding Traffic and Parking: The Almonte General Hospital provided comments with concerns regarding the existing parking and traffic conditions on Spring Street and State Street. Staff responded that the hospital's comments were provided to the Director of Roads and Public Works. The Director of Roads and Public Works had no record of concerns from the hospital regarding parking and traffic conditions in the area.

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

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands described legally as Part Lot 2, McClellan Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 55 Spring Street, to permit the construction of an addition for a proposed pharmacy, subject to the following conditions:**

1. That the Minor Variance is approved based on the plans submitted;
2. That the Owners apply for and obtain Site Plan Control for the proposed addition; and
3. That the Owners obtain all required building permits.

**CARRIED**

**4. Minor Variance Application A-05-20**

**Owner(s):** Helen Noreen Levi  
**Applicant:** Stephan Chagnon  
**Legal Description:** Lot 3, Plan 6262  
**Address:** 144 Queen Street  
**Zoning:** Downtown Commercial (C2)

The applicant is requesting relief to legally permit a non-conforming secondary dwelling unit in the Downtown Commercial (C2) Zone and relief from the Secondary Dwelling Unit provisions to permit a dwelling unit greater than 40 percent of the gross floor area of the principal dwelling unit. The secondary dwelling unit is located within a one-storey addition to an existing detached dwelling formerly used for commercial purposes.

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

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

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands described legally as Lot 3, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 144 Queen Street, to permit a secondary dwelling unit in a detached dwelling in the C2 Zone, and to permit said secondary dwelling unit to occupy up to 49.6% or 74.8m<sup>2</sup> (805ft<sup>2</sup>) of the gross floor area of the principal dwelling unit, subject to the following conditions:**

1. That the Minor Variance is approved based on the plans submitted; and
2. That the Owner/Applicant obtain all required building permits and approvals for the secondary dwelling unit.

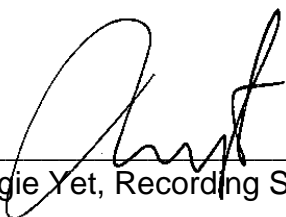
**CARRIED**

**O. OTHER BUSINESS**

None.

**P. ANNOUNCEMENTS**

Ms. Yet stated that the Municipality received an appeal on the Minor Variance decision for application A-01-20.

**Q. ADJOURNMENT****Moved by Stacey Blair****Seconded by Connie Bielby****THAT the meeting be adjourned at 5:58 p.m. as there is no further business before the Committee.**

---

Maggie Yet, Recording Secretary

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

**PLANNING REPORT**

**MEETING DATE:** Thursday, July 23, 2020 at 4:30 p.m.  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-06-20 (D13-UNR-20)**  
**Part Lots B & C, Plan 6262, being Part 1 on RP 26R1808**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 101 Main Street E**  
**OWNER/APPLICANT:** Derek Unrau

---

**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Lots B & C, Plan 6262, being Part 1 on RP 26R1808, Almonte Ward, Municipality of Mississippi Mills, municipally known as 101 Main Street E, to permit the following for a non-conforming detached dwelling: a secondary dwelling unit, increasing the height of the existing dwelling from 5.18m (17ft) to 5.49m (18ft) to raise the height of the basement, and a detached garage in accordance with the accessory structure provisions of the R1 Zone, subject to the following conditions:**

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

**PURPOSE AND EFFECT**

The owner/applicant is requesting relief from the provisions of the Downtown Commercial (C2) Zone to permit the following for a non-conforming detached dwelling: a secondary dwelling unit, increasing the height of the existing dwelling from 5.18m (17ft) to 5.49m (18ft) to raise the height of the basement, and a detached garage in accordance with the accessory structure provisions of the R1 Zone. The proposed secondary dwelling unit would be located in the basement. The Minor Variance request is outlined below.

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



Section	Zoning Provision	By-law Requirement	Requested
20.1	Uses Permitted	(a) Residential Uses: A dwelling unit or units in the form of apartments in the upper storeys of a non-residential building or to the rear of a non-residential store front use.	(a) Residential Uses: A dwelling unit or dwelling units in the upper storeys of a non-residential building or to the rear of a non-residential store front use. <b><u>For an existing non-conforming detached dwelling: one (1) secondary dwelling unit, increase in height of dwelling from 5.18m to 5.49m, and a detached garage in accordance with the accessory structure provisions of the R1 Zone.</u></b>

### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located along Main Street E within Almonte Ward, between Martin Street and Union Street. The entire property is  $\pm 890\text{m}^2$  (0.22ac) in size with a frontage of  $\pm 26.3\text{m}$  (86.3ft). The property is presently occupied by a non-conforming single detached dwelling and is generally surrounded by low density residential. 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 presently serviced by municipal water and sewage services. Figure 2 below identifies the servicing arrangements of the subject property:

**Figure 2. – Servicing for 101 Main Street E**



The subject property is presently serviced through service lines from the adjacent property. During circulation of the application, the Public Works Department expressed concerns with the capacity and condition of the existing pipes to service an additional dwelling unit.

As such, Staff recommend that the Owner be required to demonstrate the existing servicing is of adequate condition and capacity to service an additional dwelling on the subject property, subject to the approval of the Director of Roads and Public Works. Should the existing servicing be found of inadequate condition and capacity to service an additional dwelling, Staff recommend that the Owner be required to enter into a Development Agreement with the Municipality for any proposed servicing on the subject property

Driveway access is located on Main Street from the rear of the subject property. No additional parking spaces are required to be provided for the proposed secondary dwelling unit. The municipal parking and infrastructure demands would not change as a result of the application.

### **COMMENTS FROM CIRCULATION OF THE APPLICATION**

### **COMMENTS FROM INTERNAL CIRCULATION**

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

**CAO:** No comments received.

**CBO:** The building department has no objection to this application however the owner will require a building permit for the change of use and the new construction.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** 1. The servicing for this lot goes through the neighbouring property being 95 Main St. As such should an additional dwelling cause negative impact on the services repairs would create a disruption to the neighbouring property. As such it is requested that the capacity and quality of the services be reviewed to ensure there is adequate capacity in the services and that the services are in acceptable condition; 2. It is worth considering in any circumstance, however, should the services require upgrading, the services should be connected through the front of the property on to Main St.

**Recreation Coordinator:** No concerns.

## COMMENTS FROM EXTERNAL AGENCIES

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

## COMMENTS FROM THE PUBLIC

No comments were received from the public at the date this report was finalized.

## 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 'Downtown Commercial' in the Municipality's Community Official Plan (COP). The intent of the Downtown Commercial designation is to promote and preserve the uniqueness and vibrancy of the established downtown commercial areas in Almonte and Pakenham Village. Downtown Commercial policies within the COP encourages a mix of commercial, residential and institutional uses for a people-oriented and vibrant downtown core. Existing residential dwellings and residential uses accessory to a primary commercial use are permitted within the Downtown Commercial designation.

The following provides an analysis of the proposed variances against the legal non-conforming policies of the COP:

#### **Section 5.3.8 Legal Non-Conforming Uses**

- (i) *The proposed addition, expansion or change of use shall not add to the non-conforming nature of the property;*

As the existing use is residential, the proposed variances would maintain the residential use of the subject property and would not add to the non-conforming nature of the property.

- (ii) *The features of the non-conforming use and proposed extension and/or enlargement are considered to be compatible with adjacent uses;*

The proposed secondary dwelling unit would be compatible with surrounding land uses which is primarily residential.

- (iii) *The proposed addition, expansion or change of use shall be consistent with the environmental policies of this plan;*

No environmental and natural heritage features are present on the subject property and as such, the proposed expansion is consistent with the environmental policies of the OP.

- (iv) *The proposed addition, expansion or change of use shall not represent an unreasonable increase to the size or intensity of the existing use;*

The proposal involves the recognition of one (1) secondary dwelling unit in a pre-existing dwelling and will be located within the basement. The proposed variance would also permit the increase in height from 5.18m to 5.49m, constituting a total relief of 0.31m, and a detached garage as an accessory to the primary residential use. As such, Staff do not believe the proposed variances represent an unreasonable increase in the size or intensity of the existing residential use.

- (v) *The proposed addition, expansion or change of use shall have minimal impact on the surrounding built environments in terms of projected levels of noise, vibration, fumes, smoke, dust, odours, lighting, outdoor storage and traffic generation;*

The addition of one secondary dwelling unit within a basement, increase in height of a total of 0.31m and proposed detached garage are expected to have negligibly impacts on existing noise, vibration, fumes, smoke, dust, odours, lighting, outdoor storage and traffic conditions.

- (vi) *The proposed addition, expansion or change of use shall include the protection of surrounding uses through the provision of landscaping, buffering or screening, appropriate setbacks for buildings and structures or other measures which improve compatibility with the surrounding area;*

The existing dwelling is presently buffered from adjacent properties at the eastern side lot line and rear yard lot line with vegetative buffering. As such, the proposed variances would have minimal impact on adjacent properties and is compatible with the surrounding area.

- (vii) *That traffic and parking conditions not be adversely affected by the proposed addition, expansion or change of use;*

The proposed variances are expected to have minimal effects on existing traffic conditions along Main Street where driveway access for the subject property is located with the addition of one secondary dwelling unit. The provision of parking for a secondary dwelling unit is not required by the Comprehensive Zoning By-law #11-83.

- (viii) *That adequate provisions be made for off-street parking, loading and unloading facilities; and*

The Zoning By-law does not require additional parking spaces for secondary dwelling units. The applicant has indicated there are 7 existing parking spaces on the subject property which meets and exceeds parking requirements for a single detached dwelling. The proposed detached garage would replace an existing carport at the side of the dwelling.

- (ix) *That applicable municipal service, such as storm drainage, water supply, sanitary sewers and roads are available or can be made available through the conditions of approval.*

The dwelling is presently connected to municipal water and sewer services. The proposed secondary dwelling unit is required to be serviced through the existing dwelling.

*Variance 1 – Permitting a Secondary Dwelling Unit in the Downtown Commercial Zone*

The existing single detached dwelling is considered a legal non-conforming use. The applicant is requesting permission to expand the existing residential use for a secondary dwelling unit in an existing addition. The following contains an analysis of the COP policies for legal non-conforming uses against the application:

The COP provides policies for residential conversions and apartments in houses (accessory apartments) within the Residential section. While the subject property is designated Downtown Commercial, the policies within the Residential section may provide direction in interpreting the general intent of the COP regarding apartment and accessory dwelling units. The following is an analysis of relevant policies of sections 3.6.8 and 3.6.9 against the application:

**Section 3.6.8 Residential Conversion Policy**

*The conversion of existing single detached residential dwellings into multiple unit dwellings is a means of providing affordable rental housing. Residential conversion is permitted within the Residential designation subject to the requirements of the Zoning By-law. Residential conversion proposals shall address the following development criteria:*

- (i) the dwelling is structurally sound and of sufficient size to allow the creation of one or more dwelling units in accordance with the minimum unit sizes set out in the Zoning By-law;

The proposed secondary dwelling unit would meet the minimum dwelling size requirement of the COP. The owner/applicant would be required to obtain permits and approval from the Building Department including a change of use permit for the secondary dwelling unit.

- (ii) the lot is of sufficient size to allow the required off-street parking and allow for any proposed additions to the residential structure;

There are presently three (3) existing parking spaces on the subject property. As a secondary dwelling unit, no additional parking is required to be provided in addition to the minimum requirements for the primary dwelling.

- (iii) adequate amenity areas can be retained on the lot;
- (iv) the exterior renovations have specific regard for the relationship of the building to adjacent structures;

- (v) required fire escapes preferably located at the side or rear of the building;
- (vi) adequate access and circulation for vehicular traffic, including emergency vehicles is provided; and,
- (vii) suitable landscaping and lot grading and drainage are provided.

No new structures are proposed on the lot as a result of the application. As such, there is negligible impact on existing amenity areas, building façade, fire escapes, driveway access, and landscaping, lot grading and drainage.

### **Section 3.6.9 Apartment in Houses Policy**

One accessory apartment dwelling unit may be permitted within a single detached dwelling within the Residential designation subject to the requirements of the Zoning By-law. The Zoning By-law may provide for apartment-in-housing regulations which allow for such units without an amendment to the Zoning By-law provided the following criteria are satisfied:

- (i) only one apartment per single detached dwelling;

A total of one (1) secondary dwelling unit is proposed as part of the application.

- (ii) all requirements of the Zoning By-law are met, including adequate off-street parking, and minimum floor area for apartment units; and,

The application meets the requirements of the Zoning By-law for Secondary Dwelling Units.

- (iii) all building code and fire code requirements are addressed.

Staff recommends that the owner/applicant be required to obtain all necessary permits and approvals from the Building Department as a condition of Minor Variance approval.

Given the above analysis, Staff is of the opinion that the requested permission to permit a secondary dwelling unit in a non-conforming residential dwelling is an appropriate and reasonable expansion of the existing use and maintains the general intent of the COP.

#### *Variance 2 – Increasing Height of the Dwelling*

The subject property is designated “Downtown Commercial” in the Municipality’s Community Official Plan (COP). The Downtown Commercial designation permits existing residential dwellings but does not specifically address or contain policies related to height for existing dwellings. As such, the requested variances conform to the general intent and purpose of the COP.

#### *Variance 3 – Proposed Detached Garage in accordance with the accessory structure provisions of the R1 Zone*

The Municipality’s COP permits existing detached dwellings located within the Downtown Commercial designation; however, the COP does not contain policies related to accessory uses for residential dwellings specifically related to the Downtown Commercial 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 lands are zoned “Downtown Commercial (C2)” in Comprehensive Zoning By-law #11-83. C2 uses are inclusive of a range of uses, including commercial, residential and



institutional uses and mixed-use buildings. The intent of the C2 Zone is to encourage compact and mixed-use pedestrian-oriented development, and to impose development standards that promotes intensification and compatible and complementary development that maintains street continuity, scale and character of the area. The applicant is requesting the following: to permit a secondary dwelling unit, to increase the height of the dwelling from 5.18m to 5.49ft, and a detached garage.

*Variance 1 – Permitting a Secondary Dwelling Unit in the Downtown Commercial Zone*

The Zoning By-law does not provide provisions regarding secondary dwelling units within legal non-conforming detached dwellings in the C2 Zone. Despite the above, the Zoning By-law does permit apartments in limited form within the C2 Zone. Residential uses are permitted in the form of apartments provided the apartments accompany a ground floor commercial use and are located above or behind the commercial use. The intent of these provisions are to ensure commercial uses remain the primary focus along the street and on a subject property and that permitted residential uses are secondary to a primary use and have limited visual impact. Presently, adjacent uses are primarily residential. No changes to the existing streetscape are expected as a result of the additional residential unit on the subject property which would be located in the basement.

Section 8.16 of the Zoning By-law provides the following:

(2) A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided:

- (a) it does not change the streetscape character along the road on which it is located;
- (b) it is not a standalone, principal unit capable of being severed;
- (c) it must be located on the same lot as its principal dwelling unit; and
- (d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.

*Secondary Nature:* The proposal would permit a secondary dwelling unit located within a basement of an existing dwelling. In ensuring that a secondary dwelling unit is subsidiary in nature, the above provisions ensure the proposed dwelling unit is sufficiently limited as to remain secondary to a principal dwelling.

*Visual Impact:* The secondary dwelling unit would be located within the basement of the detached dwelling. No other changes to the streetscape or exterior building are proposed as part of the application. As such, no additional visual impacts to the streetscape or neighbourhood character are expected as result minor variance approval.

*Variance 2 – Increasing the Height of the Dwelling*

The intent of the height provisions within the Zoning By-law is to regulate the maximum size of structures, limiting visual impacts on the streetscape and privacy impacts on adjacent properties. Within the C2 Zone, the maximum permitted height is 14m. A single detached dwelling in Almonte Ward is generally permitted a maximum height of 9m. The proposed variance would increase the height of the existing dwelling from 5.18m to 5.49m, constituting a

total relief of 0.31m. As such, the increase in height would have negligible impacts on the streetscape and privacy of adjacent properties.

*Variance 3 – Proposed Detached Garage in accordance with the accessory structure provisions of the R1 Zone*

The intent of the provisions for accessory structures is to permit buildings, structures, and uses that are incidental or accessory to a permitted use. The proposed variance would permit a detached garage accessory to an existing residential use under the accessory structure provisions of the R1 Zone. Accessory structures are permitted within the C2 Zone. However, as the proposed structure would be accessory to an existing non-conforming residential use, the provisions for accessory structures of the R1 Zone would limit the size, placement and setbacks appropriate for a residential use.

Given the above, Staff is of the opinion the requested relief 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 proposed variance would permit a secondary dwelling unit within the basement of a non-conforming detached dwelling, increase the height of the dwelling from 5.18m to 5.49m and construction of a detached garage.

While the subject property is zoned and designated for Downtown Commercial uses, immediately surrounding land uses are primarily low density residential with limited commercial uses in the immediately surrounding area. Downtown Commercial policies and regulations are also permissive of smaller, apartment-sized dwellings with minimal visual and streetscape impact to complement commercial development. The requested relief would permit a secondary dwelling unit in an area where increased residential density and smaller dwelling unit sizes are generally permitted. The relief to permit increased height of the dwelling would raise the height of the basement to allow for a more comfortable living space and would have negligible visual impact on the streetscape. Additionally, the detached garage would serve an accessory use to the residential use on the subject property. As such, the proposed variances are considered to be an appropriate and logical form of development on the subject lands.

**4. Is the proposal minor?**

The subject lands are surrounded primarily by residential uses with commercial presence in the immediately adjacent area. The requested relief would permit a secondary dwelling unit in the Downtown Commercial zone within an existing non-conforming detached dwelling, to raise the height of the dwelling from 5.18m to 5.49m, constituting a total relief of 0.31m, and a detached garage in accordance with the accessory structure provisions of the R1 Zone. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties or visual impacts on the streetscape. As such, Staff consider the qualitative value of the requested reliefs to be minor in nature.

**CONCLUSION**

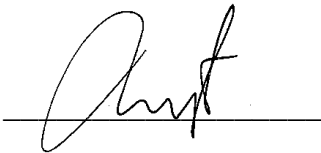


Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-06-20 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends that the Minor Variance be granted, provided the Committee is satisfied that any issues raised at the public hearing do not require additional Staff evaluation and comment, the submission of additional information, or the application of conditions other than as follows:

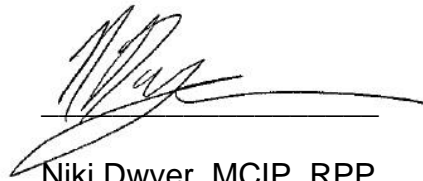
1. That the Minor Variance are approved based on the plans submitted; and
2. That the Owner obtain all required building permits and approvals for the secondary dwelling unit; and
3. That the Owner demonstrate that the capacity and quality of the existing servicing is of adequate capacity and in acceptable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

All of which is respectfully submitted by,

Reviewed by,



Maggie Yet  
Planner 1



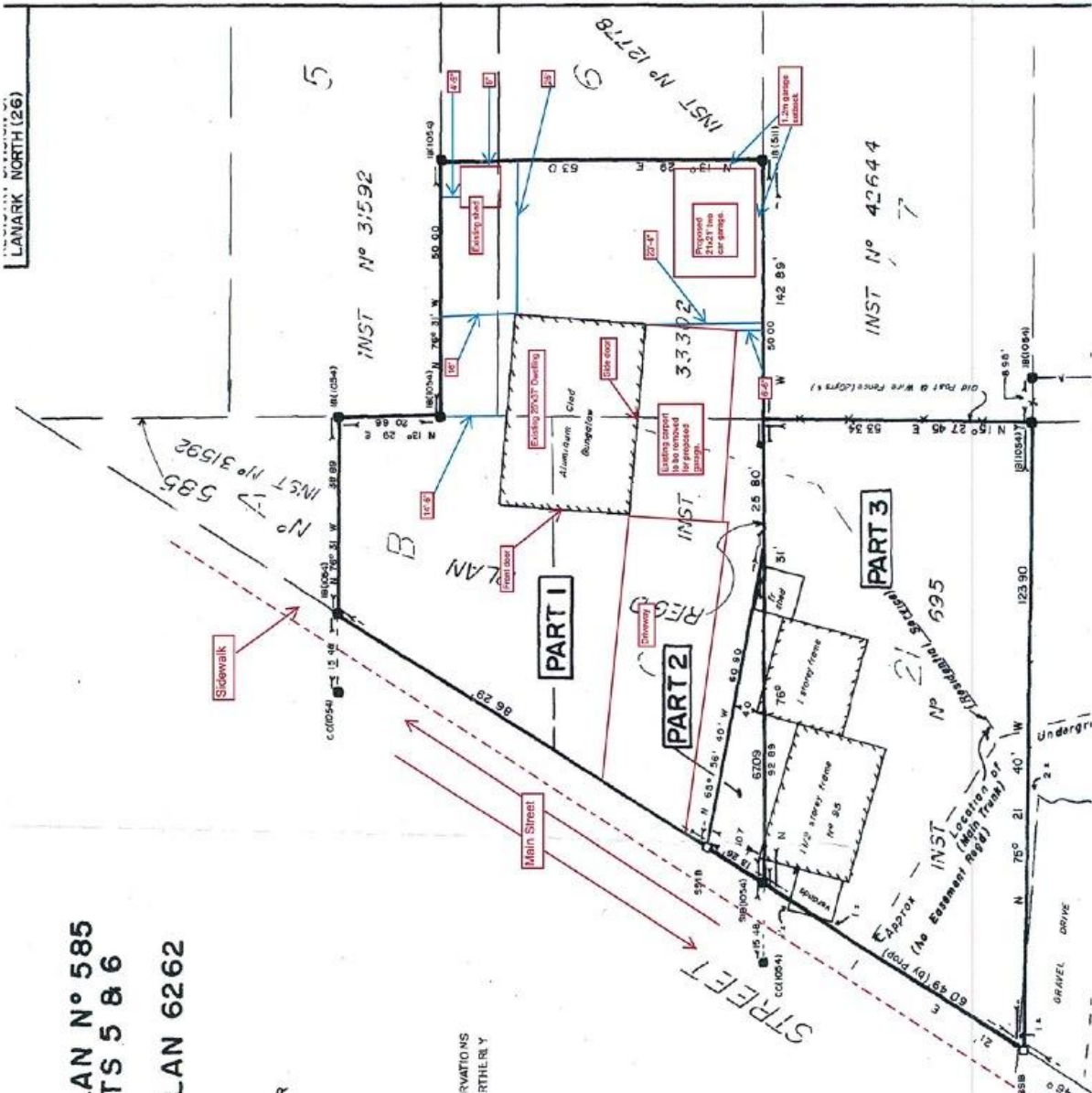
Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

**ATTACHMENTS:**

SCHEDULE A – Site Plan Sketch, Elevations & Floor Plans

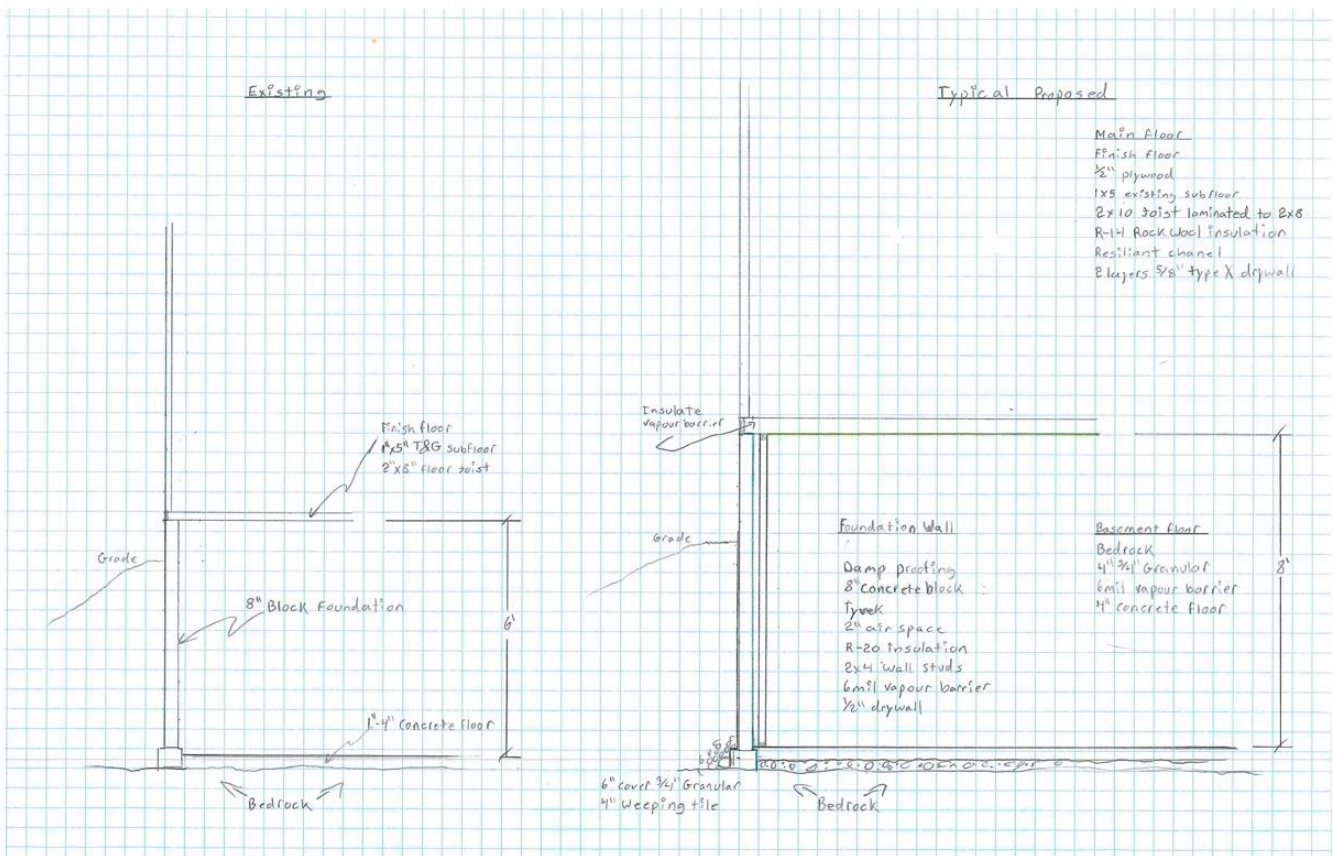
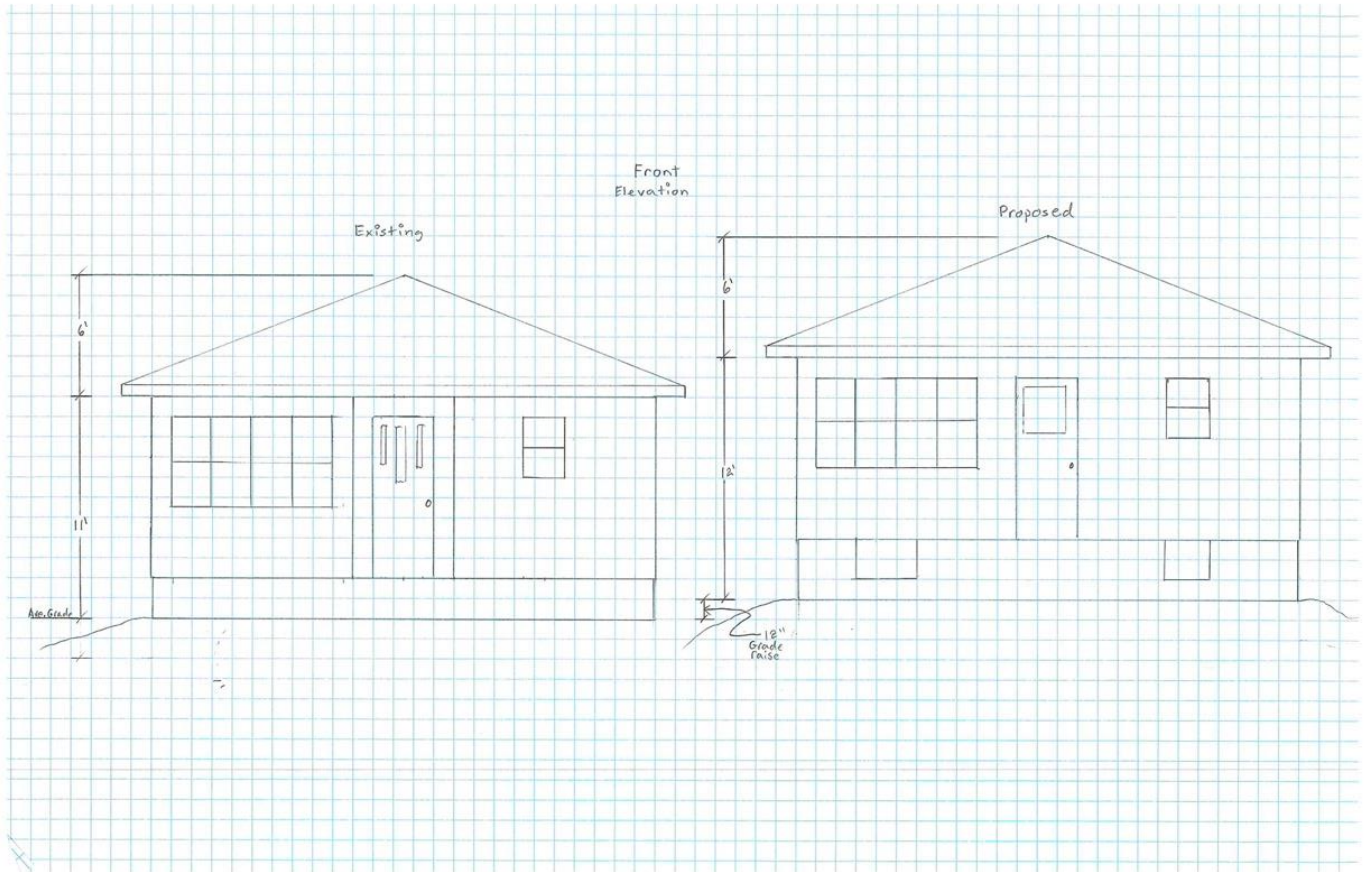
SCHEDULE B – Site Photo

Schedule A Site Plan Sketch, Elevations & Floor Plans

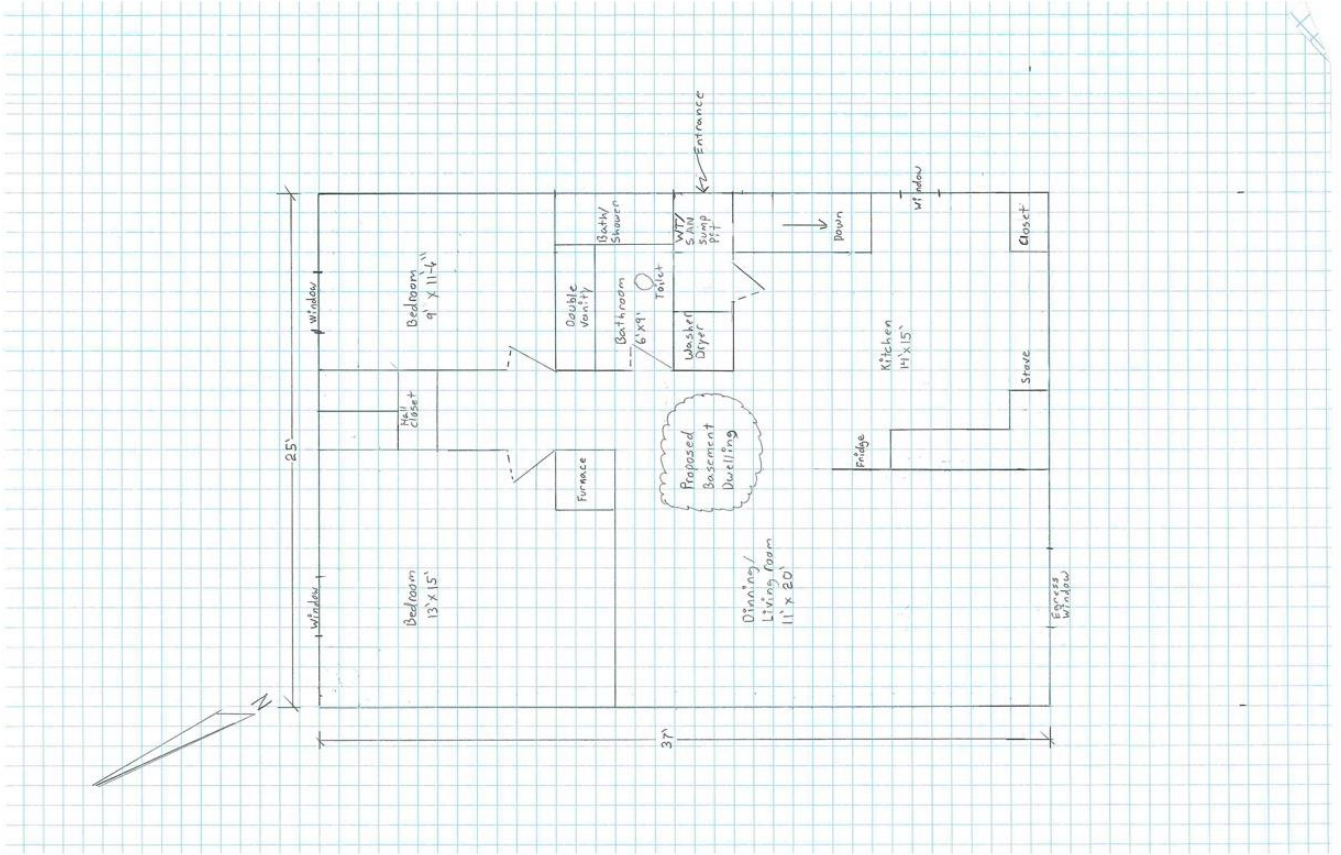
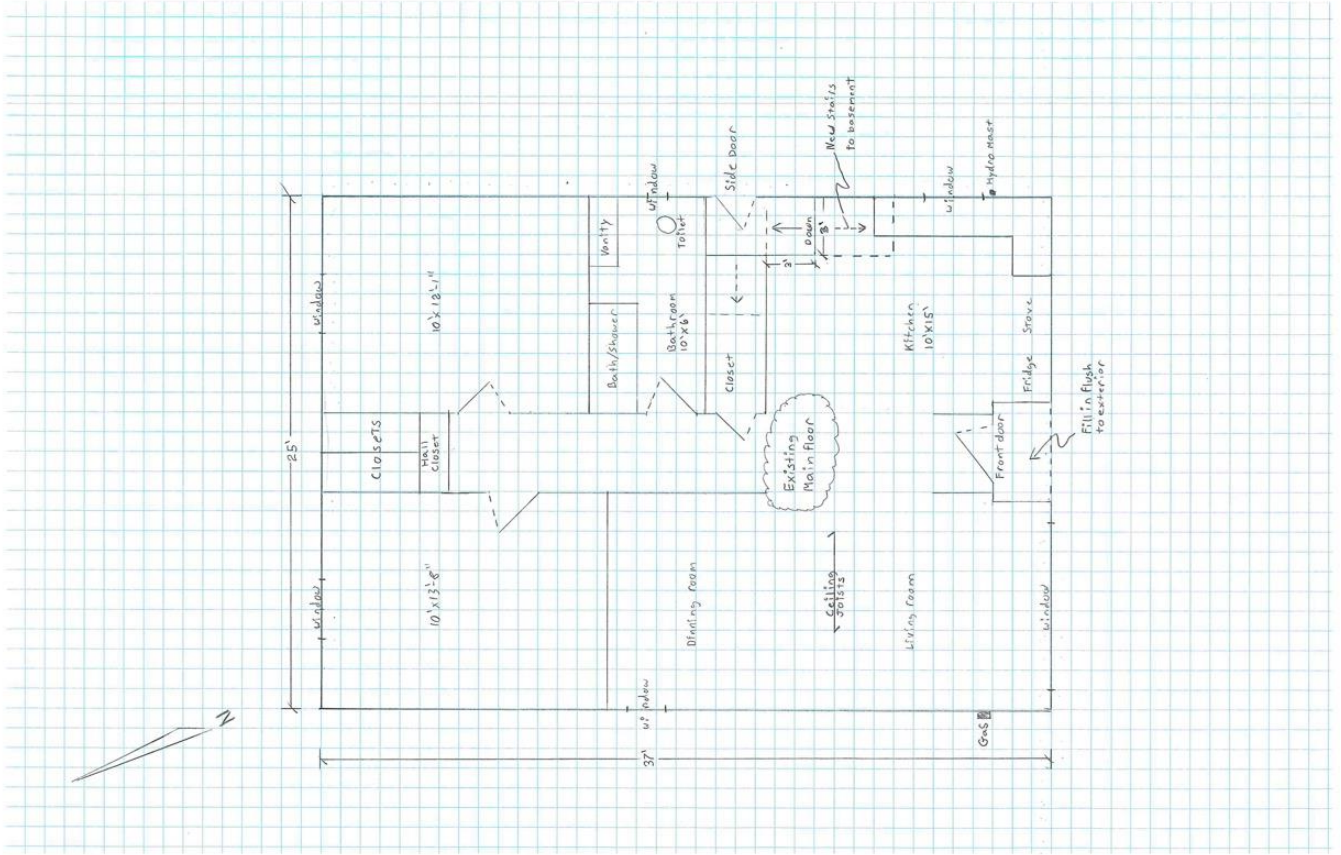


PLAN OF SURVEY OF  
**LOTS B & C REG'D PLAN No 585**  
**LOT 21 & PART OF LOTS 5 & 6**  
 ALL IN THE  
**MITCHESON SECTION - PLAN 6262**  
**TOWN OF ALMONTE**  
 COUNTY OF LANARK  
 SCALE 1 INCH = 20 FEET  
 W ROSS TAGGART, ONTARIO LAND SURVEYOR  
 1984

BEARINGS ARE ASTRONOMIC DERIVED FROM SOLAR OBSERVATIONS REFERRED TO THE MERIDIAN THROUGH THE MOST NORTHERLY ANGLE OF LOT B









**Schedule B** Site Photos

Streetview (Obtained from Google Maps)





Basement (Submitted by Applicant)



**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

**PLANNING REPORT**

**MEETING DATE:** Thursday, July 23, 2020 @ 4:30pm  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-09-20 (D13-WIL-20)**  
**Lot 21 on Registered Plan 27M-78**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 856 Jack Dalgity Street**  
**OWNER/APPLICANT:** Lyn Wilson

---

**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described Lot 21 on Registered Plan 27M-78, Almonte Ward, Municipality of Mississippi Mills, municipally known as 856 Jack Dalgity Street, to reduce the minimum required rear yard setback from 6m (16.7ft) to 4.4m (14.44ft) in order to permit the construction of an addition at the rear of the existing dwelling, subject to the following conditions:**

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

**PURPOSE AND EFFECT**

The owners/applicant is requesting relief from the minimum rear yard setback requirement from 6m (19.7ft) to 4.4m (14.44ft)<sup>1</sup> of the Residential First Density Subzone I Exception 33 (R1I-33) Zone to permit an addition at the rear of the existing dwelling. The proposed addition would be used as a sunroom and would replace an existing deck. The Minor Variance request is outlined below.

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

<b>Section</b>	<b>Zoning Provision</b>	<b>By-law Requirement</b>	<b>Requested</b>
Table 13.3A (I)	Minimum Rear Yard Setback (m)	6	4.4

**DESCRIPTION OF SUBJECT LANDS**

The subject property is located on Jack Dalgity Street in the Riverfront Estates Subdivision, within Almonte Ward. The property is 411.64m<sup>2</sup> (0.10ac) in size with a frontage of 13.72m (45.04ft). The property is occupied by a single detached dwelling with an attached garage and

---

<sup>1</sup> Note: The original Notice of Minor Variance Application stated the requested relief is 4.67m, constituting a relief of 1.33m. Upon closer inspection, this required relief was determined to be 4.4m, constituting a total relief of 1.6m and the correct relief required is reflected in this Staff Report.

currently features a deck in the rear yard. The existing deck will be replaced by a proposed addition at the rear of the dwelling for a sunroom. The addition will maintain the footprint and location of the existing deck. The property is generally surrounded by low and medium 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 Jack Dalgity Street, a municipally owned and maintained road. The municipal servicing and infrastructure demands would not change as a result of the application.

### **COMMENTS FROM CIRCULATION OF THE APPLICATION**

#### **COMMENTS FROM INTERNAL CIRCULATION**

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

**CAO:** No comments received.

**CBO:** The building department has no objections to the proposed sunroom.

**Fire Chief:** The fire department has no objections or comments.

**Director of Roads and Public Works:** No concerns at this time.

**Recreation Coordinator:** No concerns.

#### **COMMENTS FROM EXTERNAL AGENCIES**

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

#### **COMMENTS FROM THE PUBLIC**

No comments were received from the public at the date this report was finalized.

### **EVALUATION**



## FOUR TESTS

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In properly evaluating such requests, the Committee needs to be satisfied that the proposal meets the four (4) tests set out in the *Planning Act*. Staff comments concerning the application of the four (4) tests to this Minor Variance request are as follows:

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

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

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

The subject property is zoned "Residential First Density Subzone I Exception 33 (R1I-33)" by the Municipality's Comprehensive Zoning By-law #11-83. The R1I-33 Zone permits a detached dwelling in accordance with the R1I Zone provisions with special exception provisions in relation to the front yard, interior side yard setbacks and maximum lot coverage. The owners are applying to reduce the rear yard requirement to permit the construction of a 3.66m by 3.66m (12ft by 12ft) sunroom addition to the rear of the existing dwelling.

#### Minimum Rear Yard Setback Requirement

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

*Maintenance:* The requested relief will encroach into the required 6m rear yard setback setback by 1.6m (5.25ft) and is not expected to interfere with maintenance of the subject property. As such, the rear yard will maintain a setback of 4.4m which will provide adequate room for maintenance purposes.

*Runoff:* The proposed addition will replace and maintain the footprint of an existing 12'x12' deck in the same location. Given that the total hard surface area is not expected to change, Staff do not anticipate negative impacts from runoff on adjacent properties.

*Privacy Impacts:* The minor variance would reduce the minimum setback from 6m (19.7ft) to 4.4m (14.44ft). The relief would allow the construction of a single-storey addition to the rear of the existing dwelling. The Applicant has indicated the addition will be built on the existing deck, thus maintaining approximately the same height. Given the proposed addition is comprised of a single-storey which generally maintains the level of the existing deck, Staff foresees minimal privacy impacts on adjacent neighbours.

*Amenity Space:* The proposed structure will encroach into the rear yard setback by 1.6m which would leave 4.4m of sufficient landscaped amenity space for the use and enjoyment of the owners. Additionally, proposed sunroom will act as an extension of the outdoor living space which can be used year-round and provide better protection from weather elements.

### Maximum Lot Coverage Provision

The R11-33 provision permits a maximum lot coverage of 50% and 55% for a bungalow. The addition will increase the total lot coverage on the subject property by 13.4m<sup>2</sup> (144ft<sup>2</sup>), thereby increasing the percentage of lot coverage from 44.45% to 47.5%. As such, the proposed addition remains compliant with all other provisions of the R11-33 Zone.

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

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

The proposal is desirable for the appropriate development and use of the land as it would permit a small addition to the rear of the existing dwelling, thereby 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 setback will have no additional impacts on maintenance, runoff, amenity space or privacy on the subject property and adjacent properties. Due to the site-specific nature of property (i.e. the location of the existing and proposed structure, its size, and the negligible impacts), the proposal would not set a precedent for future applications where these features are not present. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

### 4. Is the proposal minor?


The proposed variance to the minimum rear yard setback would reduce the requirement from 6m (19.7ft) to 4.4m (14.44ft), resulting in a requested relief of 1.6m (5.25ft). Staff do not consider the request significant from a quantitative standpoint. The proposal demonstrates no foreseeable maintenance, runoff, and privacy impacts to the property in question or those neighbouring. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

### CONCLUSION

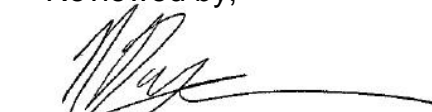
Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use and enjoyment of their property with no foreseeable impacts. Staff believes that Minor Variance Application A-09-20 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends that the Minor Variance be granted, provided the Committee is satisfied that any issues raised at the public hearing do not require additional Staff evaluation and comment, the submission of additional information, or the application of conditions other than as follows:

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

All of which is respectfully submitted by,

  
 \_\_\_\_\_  
 Maggie Yet  
 Planner 1

Reviewed by,

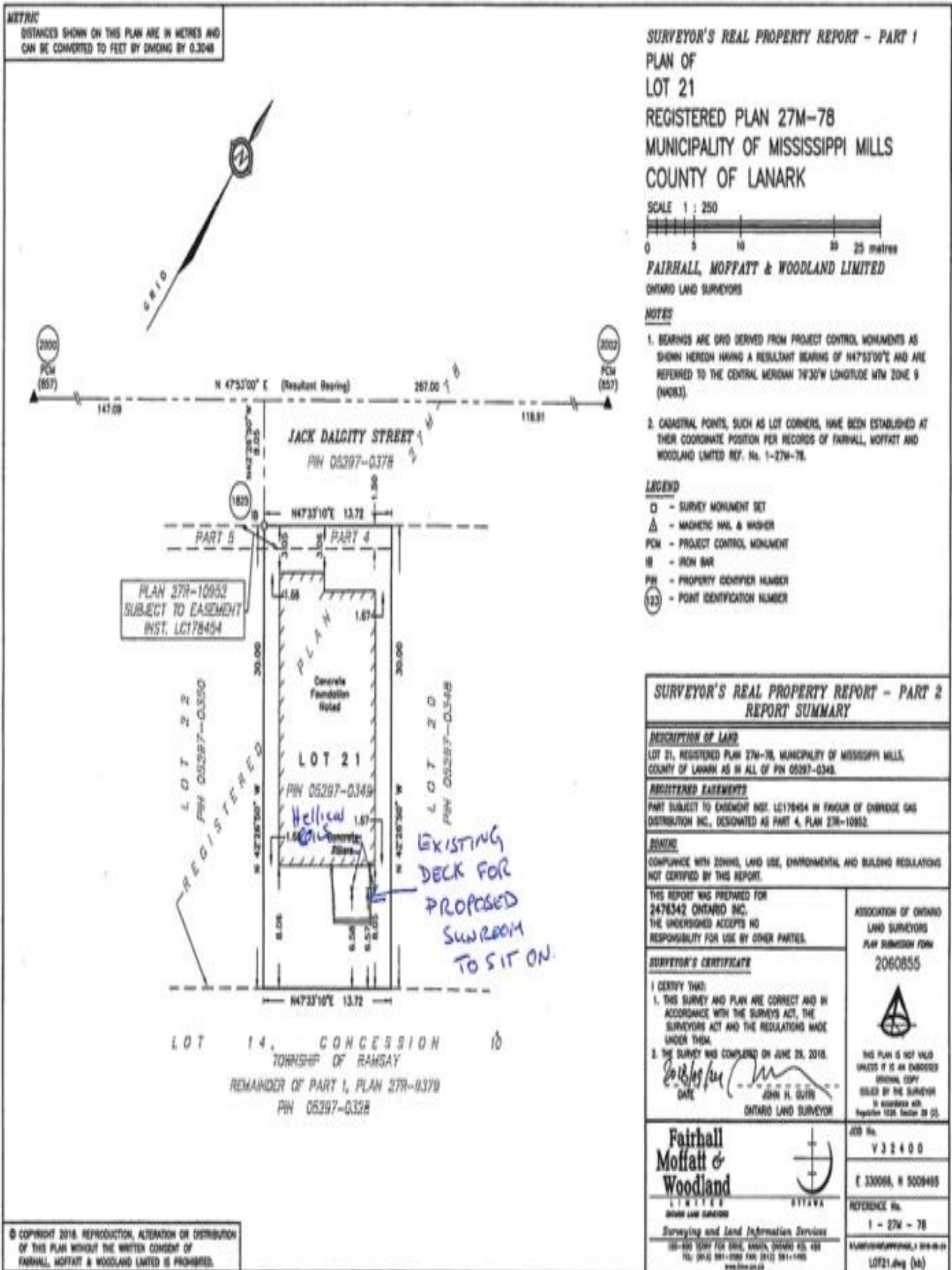
  
 \_\_\_\_\_  
 Niki Dwyer, MCIP, RPP  
 Reviewed by Director of Planning

**ATTACHMENTS:**

SCHEDULE A – Site Plan

SCHEDULE B – Building Plans

**Schedule A Site Plan (Submitted by Applicant)**

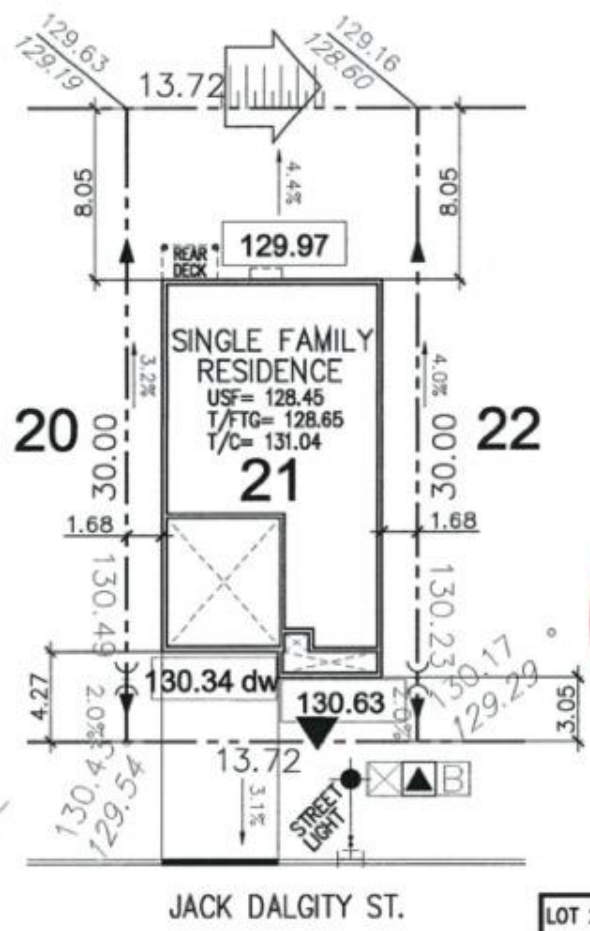


https://www.onetradefinancing.com/places/installation/building-code-approved-drawings

2020-06-08, 7:42 AM  
Page 2 of 8

Site Plan (Obtained from 2018 Building Permit file)

LEGEND		NOTE	
---	PROPERTY LINES	▼	PROPOSED SERVICE LOCATION
---	SETBACK LINES	⊗	CABLE TELEVISION PEDESTAL
$\frac{72.35}{127.45}$	PROPOSED ELEVATION EXISTING ELEVATION	---	UTILITY SERVICES TRENCH (HYDRO, BELL AND CABLE)
$\frac{127.55(S)}{70.50}$	PROPOSED SWALE ELEVATION	USF	PROPOSED UNDERSIDE OF FOOTING
70.50	PROPOSED ELEVATION	T/FTG	PROPOSED TOP OF FOOTING
← FLOW	SURFACE FLOW DIRECTION	T/C	PROPOSED TOP OF CONC. WALL
→	PROPOSED SWALE C/W DIRECTION OF FLOW	□	PROPOSED CATCH BASIN
→	PROPOSED OVER- LAND FLOW ROUTE	⊕	PROPOSED FIRE HYDRANT
⊗	BELL PEDESTAL	—	PROPOSED RETAINING WALL
		▲	PADMOUNT HYDRO TRANSFORMER



LOT 21 JACK DALGITY ST.	
LOT AREA:	411.64m <sup>2</sup>
BUILDING AREA:	182.18m <sup>2</sup>
LOT COVERAGE:	44.25%

<b>SITE &amp; GRADE PLAN</b>	
DATE: MAY 28, 2018	SCALE: 1:250
DRAWN: JB	FILE NAME:
CHECKED: JB	DRAWING NO: S-1

- NOTES:
- DO NOT ALTER GRADING PLAN WITHOUT CONSENT OF CITY ENGINEER.
  - ROUGH GRADING MUST BE APPROVED BY THE CITY ENGINEERING DEPT. PRIOR TO PLACING TOPSOIL OR SOD

PROPOSED SINGLE FAMILY RESIDENCE

LOT 21  
JACK DALGITY ST.  
TOWN OF MISSISSIPPI MILLS

**Schedule B** Building Plans**SUNSPACE SPECIFICATION SHEET**

Customer: Carnegie Custom Sunrooms

Order Date: May 12, 2020

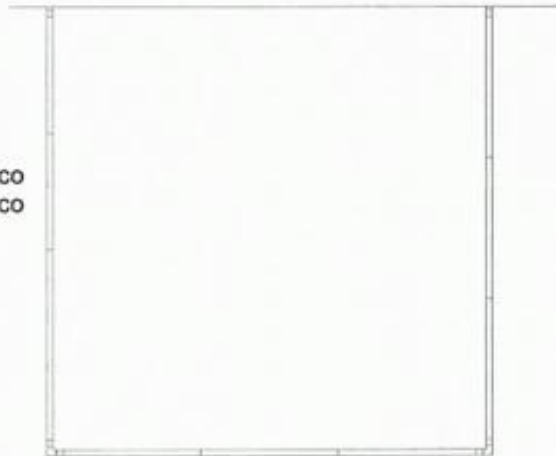
Tag Name: Wilson

Page 1 of 2

**Room Specifications**

12' 0" Projection x 12' 0" Width

Room Style: Studio  
 Wall Type: Model 200  
 Backwall Height: 108" Incl. Roof  
 Frontwall Height: 96" Incl. Roof  
 Framing Colour: Driftwood  
 Ext. Panel Skin: Driftwood Alum. Stucco  
 Int. Panel Skin: Driftwood Alum. Stucco  
 Kneewall: 20-3/4" Solid Panel  
 Transom Style: Solid Panel  
 Cut Pitch: Yes

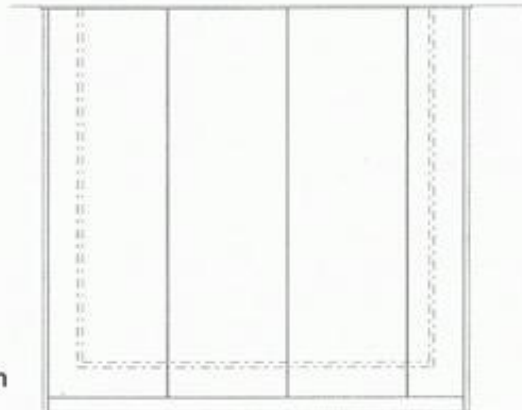
**Room Layout****Floor Specifications**

Use Existing Floor

**Roof Specifications**

13' Projection x 14' Width

Roof Type: I-Beam  
 6" x 48" O.C. x 1 lb  
 Roof Pitch: 1 / 12 (4.76°)  
 Int. Panel Color: White  
 Ext. Panel Color: White  
 Gutter Color: Driftwood  
 Downspout Kits: 1  
 Downspout Color: Driftwood

**Roof Layout****Windows and Doors**

Window Type: Vertical 4 Track  
 Window Color: Driftwood  
 Vinyl Tint: Clear  
 Screen Type: Better Vue Insect Screen  
 Total of 2 Doors:

Left Wall: 5' Patio Door - Clear

Left Wall: ' Patio Door - Clear

This Room is to be installed on a House



**SUNSPACE SPECIFICATION SHEET**

Customer: Carnegie Custom Sunrooms  
 Tag Name: Wilson

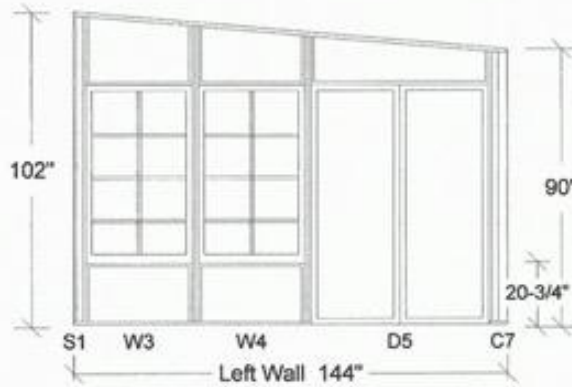
Order Date: May 12, 2020

Page 2 of 2

**Wall Specifications**

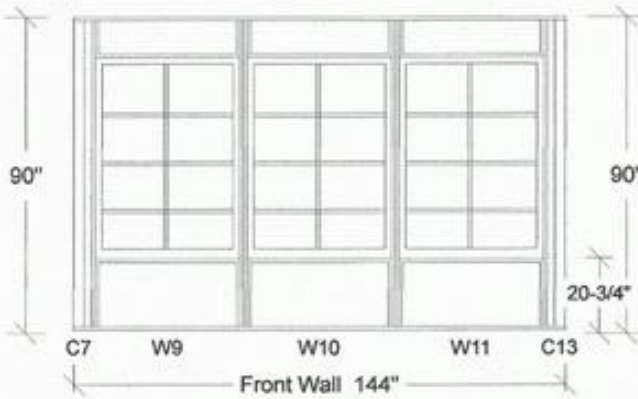
**Left Wall**

- S1 Starter
- F2 2" Solid Wall
- W3 35-3/8" x 58" Vertical 4 Track
- W4 35-3/8" x 58" Vertical 4 Track
- D5 5 Foot Patio Door
- F6 2" Solid Wall
- C7 90° Corner



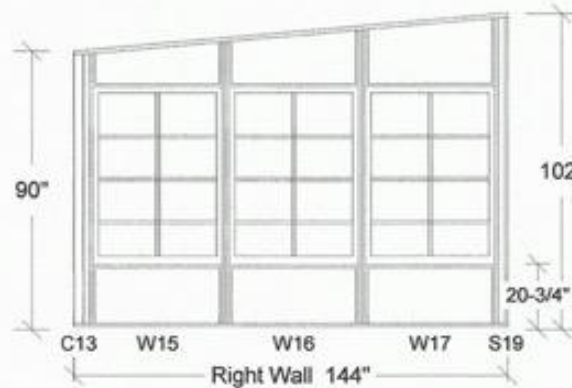
**Front Wall**

- C7 90° Corner
- F8 2-1/8" Solid Wall
- W9 42-1/2" x 58" Vertical 4 Track
- W10 42-1/2" x 58" Vertical 4 Track
- W11 42-1/2" x 58" Vertical 4 Track
- F12 2-1/8" Solid Wall
- C13 90° Corner



**Right Wall**

- C13 90° Corner
- F14 2" Solid Wall
- W15 43-1/4" x 58" Vertical 4 Track
- W16 43-1/4" x 58" Vertical 4 Track
- W17 43-1/4" x 58" Vertical 4 Track
- F18 2-1/8" Solid Wall
- S19 Starter



## SMP–Services Corp.

---

### COMPLIANCE REPORT

Location: 856 Jack Dalgity St, Almonte, ON  
Client: Postech Ottawa

June 4, 2020

#### Screw Pile Compliance

On June 4, 2020, a review of the screw piles installed at the above location was completed by SMP–Services Corp. The piles were installed in 2019. There are (2) 2-3/8" diameter piles that have been installed for a new uncovered deck.

The 2-3/8" diameter piles achieved a minimum installation torque value of at least 1,470 ft-lbs, giving each 2-3/8" pile a minimum capacity of 5,840 lbs.

All the piles as installed will have the capacity to handle all applied loads as per the latest revisions of the 2015 National Building Code of Canada and 2012 Ontario Building Code for Almonte and area.

If additional information is required please contact Steve Petrovich P.Eng at [steve@smwork.com](mailto:steve@smwork.com).



---

Steve Petrovich P.Eng  
SMP–Services Corp.  
PEO CofA # 100523034