

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

**Wednesday, February 19, 2020, 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 January 15<sup>th</sup>, 2020.

**E. NEW BUSINESS**

None.

**F. HEARINGS**

**1. Application A-02-20 – Pages 4 to 13**

**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.

**2. Application A-03-20 – Pages 14 to 22**

**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).

**3. Application A-04-20 – Pages 23 to 28**

**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.

**4. Application A-05-20 – Pages 29 to 39**

**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.

**G. OTHER BUSINESS**

None.

**H. ANNOUNCEMENTS**

None.

**I. ADJOURNMENT**

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS  
COMMITTEE OF ADJUSTMENT & PROPERTY STANDARDS  
MINUTES**

**Wednesday, January 15, 2020, at 5:30 P.M.**

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

**PRESENT:** Patricia McCann-MacMillan (Chair)  
Stacey Blair  
Connie Bielby

**APPLICANTS/PUBLIC:** A-01-20: Philip Putman  
Cheryl Morris-Putman  
Suzanne Kennedy  
Paul Tasse  
Kathy Tasse  
Louise Powers-Wagorn  
Philip Mayhew  
Fran Cosgrove  
Craig Cosgrove  
David Whiteman

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

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Chair of the Committee called the meeting to order at 5:29 p.m.

**A. APPROVAL OF AGENDA**

Moved by Stacey Blair  
Seconded by Connie Bielby

**CARRIED**

**B. DISCLOSURE OF PECUNIARY INTEREST**

None.

**C. APPROVAL OF MINUTES**

1. **October 18<sup>th</sup>, 2019 PUBLIC MEETING**  
Moved by Patricia McCann-MacMillan  
Seconded by Stacey Blair

**CARRIED**

2. **November 20<sup>th</sup>, 2020 PUBLIC MEETING**  
Moved by Connie Bielby  
Seconded by Patricia McCann-MacMillan

**CARRIED**

**D. NEW BUSINESS**

None.

## E. HEARINGS:

### 1. Minor Variance Application A-01-20

**Owners/Applicants:** Philip Putman & Cheryl Morris-Putman  
**Legal Description:** Part Block 47 on Registered Plan 27M-88, Being Part 66 on Reference Plan 27R-10682  
**Address:** 276 Merrithew Street  
**Ward:** Almonte  
**Zoning:** Residential Third Density Exception 11 (R3-11)

The owners/applicants are requesting relief from the minimum rear yard setback requirement from 7.5m (24.6ft) to 6.24m (20.5ft) to permit an addition at the rear of the existing dwelling in the Residential Third Density Exception 11 (R3-11) Zone. The proposed addition for a “garden room” would replace and expand on footprint of an existing deck.

The Chair opened the floor to comments and questions. The owner, Mr. Putnam, provided a description of building plans for a garden room and efforts made in the design to maintain privacy. Mr. Whiteman provided comments regarding concerns around the proposed foundation, that the proposed design deviated from existing design elements of the subdivision, impact of the proposal on property values and questioned if a covenant was registered on the title of the property regulating design elements to the facade. The Chair responded that a technical review has not yet been completed by the Building Department and that the potential impact on property values is not assessed as part of the minor variance application. Ms. Yet noted that the Planning Department is not aware of any covenants regulating design elements on the townhouse block and that applicants are required to identify. Ms. Powers-Wagorn provided comments related to height of the proposal, visual impact of the addition and stated that the proposal would set a precedent within the subdivision. The Chair clarified that height is compliant with the zone provisions and not subject to the minor variance application. Regarding the issue of precedence, the Chair explained that each application is judged based on the merits of the proposal and in consideration of the unique and specific characteristics of a subject property. Mr. Tasse provided comments regarding concerns around precedence and impact on property values. Ms. Tasse provided comments regarding concerns around the increased floor area. Member Blair responded that proposal is not seeking relief from floor area nor lot coverage requirements. Ms. Cosgrove provided concerns regarding the access easement. The Chair responded that the access easement would be maintained.

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

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Block 47 on Registered Plan 27M-88, being Part 66 on Reference Plan 27R-10682, Almonte Ward, Municipality of Mississippi Mills, municipally known as 276**

**Merrithew Street, to reduce the minimum required rear yard setback from 7.5m (24.6ft) to 6.24m (20.5ft) 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;**
- 2. That the owner obtains all required building permits.**

**CARRIED**

**F. OTHER BUSINESS**

None.

**G. ANNOUNCEMENTS**

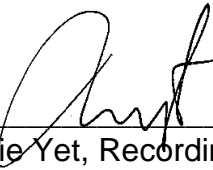
None.

**H. ADJOURNMENT**

**Moved by Stacey Blair**

**Seconded by Patricia McCann-MacMillan**

**THAT the meeting be adjourned at 6:26 p.m. as there is no further business before the Committee.**



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Maggie Yet, Recording Secretary

## THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

### PLANNING REPORT

**MEETING DATE:** February 19, 2020  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-02-20**  
**Lot 9, Henderson Section, Plan 6262**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 136 Brougham Street**

**OWNER(S):** Barry Sweetman & Nyssa Schmidt  
**APPLICANT/AGENT:** Rortar Land Development Consultants (Rod Price)

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#### **RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described 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> (3444.5ft<sup>2</sup>) to 222.2m<sup>2</sup> (2391.7ft<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. 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.**

#### **PURPOSE AND EFFECT**

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 Minor Variance request is outlined below:

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

Section	Zoning Provision	By-law Requirement	Requested
Table 14.2A	Lot Area, Minimum	320m <sup>2</sup> (3444.5ft <sup>2</sup> ) (Note A)	222.2m <sup>2</sup> (2391.7ft <sup>2</sup> )
Table 14.2A	Lot Frontage, Minimum	10m (32.8ft) (Note A)	6.75m (22.1ft)

Note A: The minimum lot area and minimum lot frontage requirements are per dwelling unit.

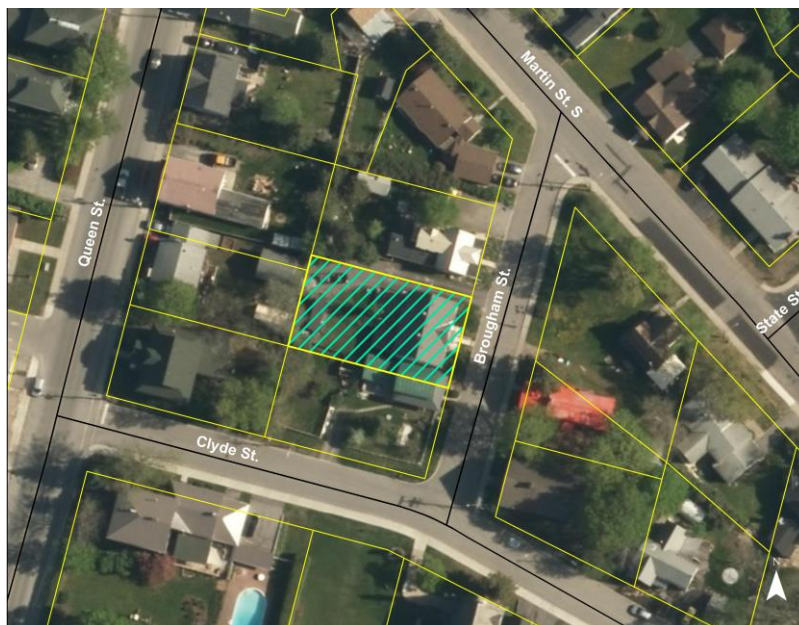
**DESCRIPTION OF SUBJECT LANDS**

The subject property is located on Brougham Street in Almonte Ward, south-west of the intersection at Brougham Street and Martin Street N. The property is 592.3m<sup>2</sup> (6375ft<sup>2</sup>) in size with a frontage of ±18.29m (60ft). A semi-detached dwelling and frame shed are presently located on the subject property. According to information available from the Municipal Property Assessment Corporation (MPAC), the dwelling was constructed in 1900. The existing dwelling is considered legal non-compliant with the provisions of Zoning By-law #11-83 for a semi-detached dwelling. The applicant has submitted a Consent application to the County of Lanark requesting to sever the property into two legally conveyable land holdings. A second Consent application has been submitted to recognize a right-of-way for a shared driveway for the two dwellings.

A survey drawing of the proposed severance is attached in Schedule A of this report. 134 Brougham Street is proposed to comprise of Parts 1 and 3 and 136 Brougham is to comprise of Parts 2 and 4. Part 4 contains the proposed right-of-way.

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 presently serviced by municipal water and sewer services; however, presently one connection serves the two dwellings. Staff recommends that the owners be required to install separate lateral connections should the minor variance request be granted.

Driveway access for the semi-detached dwelling is located on Brougham Street, a municipally owned and maintained road. The applicant is proposing a shared driveway via a right-of-way subject to approval of the Land Division Committee. The municipal servicing and infrastructure demands would change negligibly 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 objections.

**CBO:** Building Department has no objections. A separate water supply and sewer connection will be required and a building permit application to install same.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** The current lot is singularly serviced with both water and sanitary services entering the building at #136. We require that all semi-detached units have their own services complete with standpost and water meter.

**Recreation Coordinator:** No concerns.

### **COMMENTS FROM EXTERNAL AGENCIES**

**Upper Canada District School Board:** UCDSB have no comments on this file.

### **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 minimum lot frontage or lot area for properties located within the Residential designation. As such, the requested variances conform to the general intent and purpose of the COP.

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



The subject property is zoned “Residential Second Density (R2)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R2 Zone permits detached dwellings, duplex dwellings, semi-detached dwellings and triplex dwellings, and accessory uses, buildings and structures. The existing semi-detached dwelling is legal non-compliant with the semi-detached dwelling provisions of the R2 Zone. The applicant is applying to reduce the minimum lot frontage and lot area requirements in order to permit the severance of the subject property into two legally conveyable land holdings.

### **Minimum Lot Area**

The purpose of the minimum lot area requirement is to provide sufficient space to accommodate the proposed dwelling, landscaping, snow storage, road access, required off-street parking, and outdoor amenity area. For semi-detached dwellings, minimum lot area is determined on a per unit basis.

The applicant has proposed a reduction in the minimum required lot area from 320m<sup>2</sup> to a minimum of 222.2m<sup>2</sup>, constituting a reduction of 97.8m<sup>2</sup> (1,052.7ft<sup>2</sup>). The relief is required to permit the severance of the existing semi-detached building into two legally conveyable land holdings. The existing configuration of the semi-detached dwellings on the subject lands results in one unit (134 Brougham) as an undersized lot while 136 Brougham, including the proposed shared driveway, exceeds the minimum required lot area by 55.7m<sup>2</sup> (599.5ft<sup>2</sup>) at 375.7m<sup>2</sup>.

*Landscaping & Snow Storage:* As no changes to the existing structures are proposed, Staff anticipate negligible impacts on landscaping and snow storage as a result of the application.

*Amenity Area:* Existing outdoor amenity area is primarily located within the rear yard. No changes to amenity area are expected as a result of the application.

*Road Access & Parking:* Driveway access is located along Brougham Street. One entrance presently serves both dwellings. No new driveway is proposed. The applicant has submitted a right-of-way application to the County of Lanark to permit driveway and rear yard access for 134 Brougham.

Given that the relief would result in minimal impacts on landscaping, snow storage, amenity area, road access and parking, Staff is of the opinion that the reduction in minimum lot area maintains the general intent of Zoning By-law #11-83.

### **Minimum Lot Frontage Requirement**

The purpose of minimum lot frontage requirement is to ensure that there is sufficient room to construct a dwelling and adequate room for a driveway, thus avoiding negative impacts to lot landscaping and building design. Given that the dwelling units are existing and that the units are proposed to share a driveway, Staff is of the opinion that the impacts of the proposed relief are negligible and that a reduction in minimum lot frontage from 10m to 6.75m 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 facilitate the severance of the subject property into two legally conveyable land holdings. As the semi-detached dwelling is existing, the requested relief poses minimal concern to adjacent

properties and the surrounding neighbourhood. However, Staff recommends that the owners be required to install fire rating for 134 Brougham Street to meet standards of the Ontario Building Code (OBC) for semi-detached dwellings held in separate ownership as a condition of approval and that the owners obtain appropriate building permits to perform the above stated work. Provided each unit is fire rated appropriately according to the provisions of the OBC, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

#### 4. Is the proposal minor?

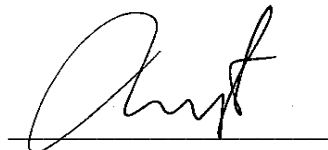
The proposed variances would reduce the minimum lot area requirement from 320m<sup>2</sup> (3,444.5ft<sup>2</sup>) to 222.2m<sup>2</sup> (2,391.7ft<sup>2</sup>) and the minimum lot frontage requirement from 10m (32.8ft) to 6.75m (22.1ft), resulting in a requested relief of 97.8m<sup>2</sup> (1,052.7ft<sup>2</sup>) and 3.25m (10.6ft) respectively. Staff do not consider the request significant from a qualitative perspective, as the impacts are negligible and the proposal demonstrates no foreseeable impacts to the property in question or to adjacent properties. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

#### **CONCLUSION**

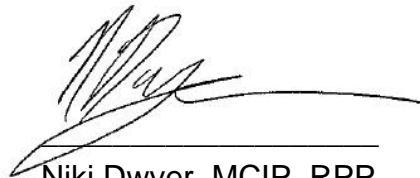
Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believe that Minor Variance application A-02-20 meets the four (4) tests for evaluating a Minor Variance 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;**
2. **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.**

All of which is respectfully submitted,



Maggie Yet  
Planner 1



Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

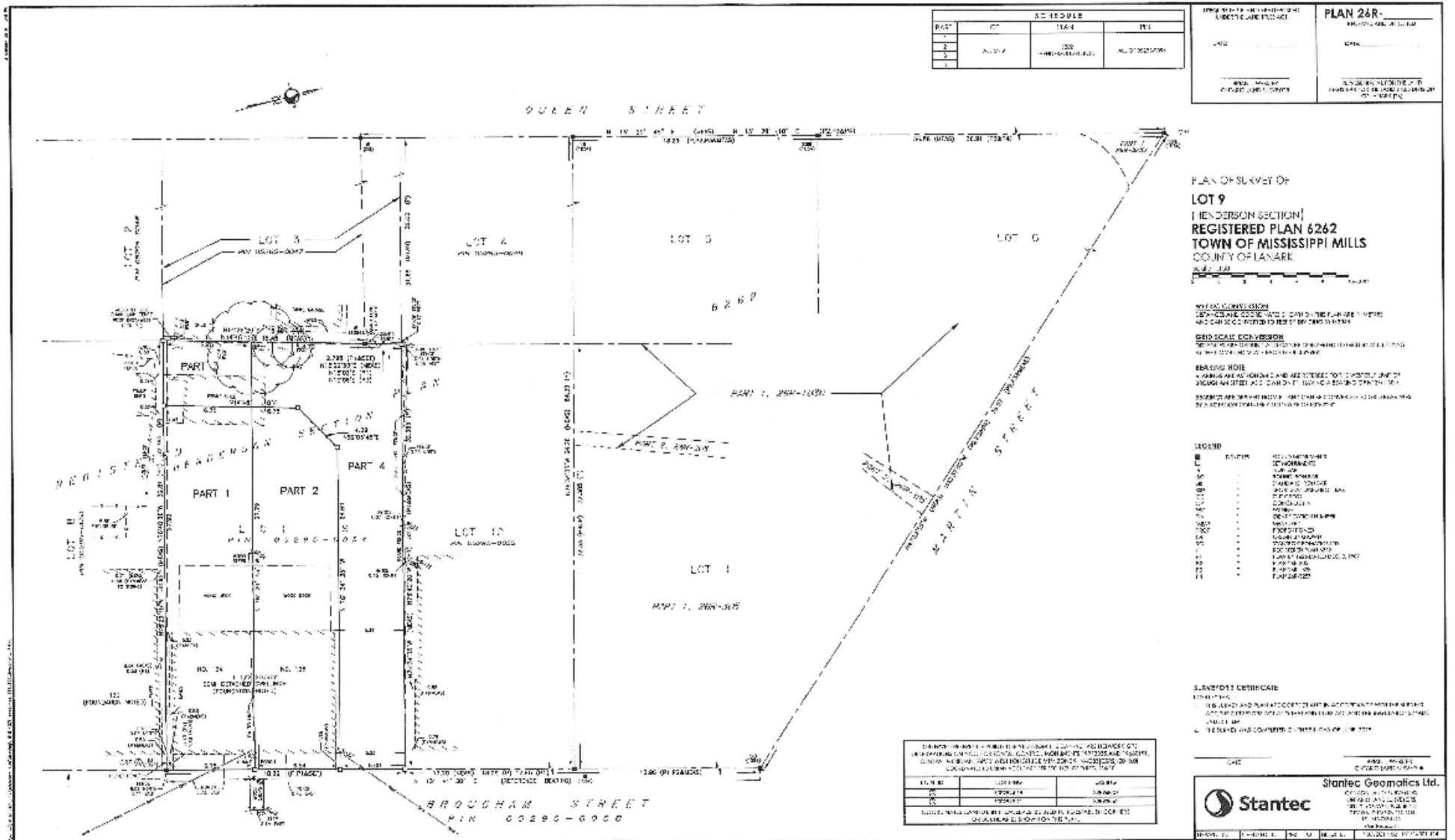
**ATTACHMENTS:**

SCHEDULE A – Survey

SCHEDULE B – Application Cover Letter

SCHEDULE C – Floor Plans

**SCHEDULE A Survey**



SCHEDULE		
PART	CLASS	REMARKS
1	RES.	RESIDENTIAL
2	RES.	RESIDENTIAL
3	RES.	RESIDENTIAL
4	RES.	RESIDENTIAL

**PLAN 24R-**  
MULTIPURPOSE SURVEY  
DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_

**PLAN OF SURVEY OF LOT 9 (HENDERSON SECTION) REGISTERED PLAN 6262 TOWN OF MISSISSIPPI MILLS COUNTY OF LANARK**  
2012-12-10

**LEGAL CONVEYANCE**  
LEGAL CONVEYANCE AND A PLAN OF THE LAND TO BE SURVEYED AND CAN BE REFERRED TO BY THE FOLLOWING PLAN:

**GRID SCALE CONVERSION**  
THE PLAN IS DRAWN ON A GRID OF 100 METERS BY 100 METERS. THE GRID IS BASED ON THE CANADIAN DATUM 1983.

**READING NOTE**  
ALL BEARINGS ARE AS SHOWN AND ARE REFERRED TO BY THE PLAN OF THE SURVEY. ALL DISTANCES ARE IN METERS. ALL DISTANCES ARE REFERRED TO BY THE PLAN OF THE SURVEY.

**LEGEND**

SYMBOL	DESCRIPTION
---	BOUNDARY
---	ADJACENT PROPERTY
---	ADJACENT ROAD
---	ADJACENT RAILROAD
---	ADJACENT WATERWAY
---	ADJACENT AIRWAY
---	ADJACENT POWERLINE
---	ADJACENT TELEPHONE LINE
---	ADJACENT FENCE
---	ADJACENT CONCRETE
---	ADJACENT ASPHALT
---	ADJACENT GRAVEL
---	ADJACENT SAND
---	ADJACENT SILT
---	ADJACENT CLAY
---	ADJACENT ROCK
---	ADJACENT VEGETATION
---	ADJACENT OBSTRUCTION

**STATISTICS CERTIFICATE**  
THIS PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE ORIGINAL PLAN IS KEPT AT THE OFFICE OF THE SURVEYOR.

PLAN NO.	DATE	BY
6262	2012-12-10	[Signature]
6262	2012-12-10	[Signature]
6262	2012-12-10	[Signature]

**Stantec Geomatics Ltd.**  
1000 SHEPPARD AVENUE EAST  
SUITE 1000  
SCARBOROUGH, ONTARIO M1S 1T7  
CANADA  
TEL: (416) 223-8888  
WWW.STANTEC.COM

## **SCHEDULE B** Application Cover Letter from Rortar Land Development Consultants

### **Rortar Land Development Consultants**

47 Moore St. Richmond, ON  
K0A 2Z0

Tel. (613) 323-2146  
email: [rortar9@gmail.com](mailto:rortar9@gmail.com)

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January 2, 2020

The Municipality of Mississippi Mills  
3131 Old Perth Road  
P.O. Box 400  
Almonte, ON  
K0A 1A0

County of Lanark  
Land Division Committee  
99 Christie Lake Road  
Perth, ON  
K7H 3C6

Re: Application for Consent and Minor Variance – 134/136 Brougham St. Almonte, ON

Rortar Land Development Consultants have been retained by the owner of the lands at 134 and 136 Brougham St. in Almonte to submit Consent and Minor Variance Applications to facilitate the severance of 2 existing semi-detached units on the subject land.

The subject lands are designated as Residential in the Town of Mississippi Mills Official Plan and are zoned Residential – R2 in the Town of Almonte Zoning By-law. Two 1500 sq.ft. semi-detached units currently exist on the property under one ownership. Surrounding land uses include single detached residential units on the north, south, east and west of the subject lands

The Owner is proposing to sever the existing semi-detached units in order that they can be held and conveyed in the future under separate ownership. The intent is to sever Parts 1 and 3 (134 Brougham) from Parts 2 and 4 (136 Brougham). Furthermore, a Right of Way is required over Part 4 in favor of Parts 1 and 3 (134 Brougham) to provide access to the proposed parking area for 134 Brougham.

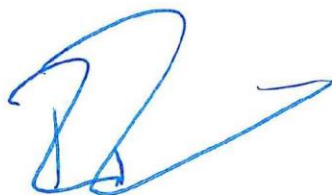
The zoning requirements of the R2 zone can be achieved for 136 Brougham (Parts 2 and 4). However, 134 Brougham (Parts 1 and 3) requires a Minor Variance with respect to the required Lot Frontage of 10 m (only 6.75 m can be provided) and the Lot Area of 320 sq. m (only 222.2 sq. m can be provided).

Given the intent of the applications is to sever two semi-detached units that currently exist under a single ownership, it is our opinion that the proposed Consent and Minor Variance Applications meet the general intent of both the local Official Plan and Zoning By-law.

Given that the existing semi-detached units are limited by the existing building footprint on the lot, the proposed development can meet the 4 tests when considering applications for Minor Variance as outlined in Section 45(1) of the Planning Act.:

1. The application is minor in nature. The application is minor in that the variances requested are in keeping with the general intent of the Zoning By-law requirements of a reduction of 2.25 m with respect to the Frontage requirement and that the proposed Lot Area Variance of 97.8 sq.m is a result of the existing building footprint on the property.
2. The application is desirable and appropriate given that the existing lot is in keeping with the intent of the zoning provisions and will be compatible and complimentary to existing residential development located in the immediate area. The existing semi-detached units have been present in the neighbourhood for some time and the intent of the applications is to allow the existing units to be held in separate ownership.
3. The application conforms to the general intent of the Zoning By-law in that the proposed semi-detached units are a permitted land use under the R2 zone.
4. The application is in conformity with the general intent of the Official Plan in that the Residential Area promotes various forms of ground oriented residential development with policies being implemented under the General Provisions of the R2 zone requirements.

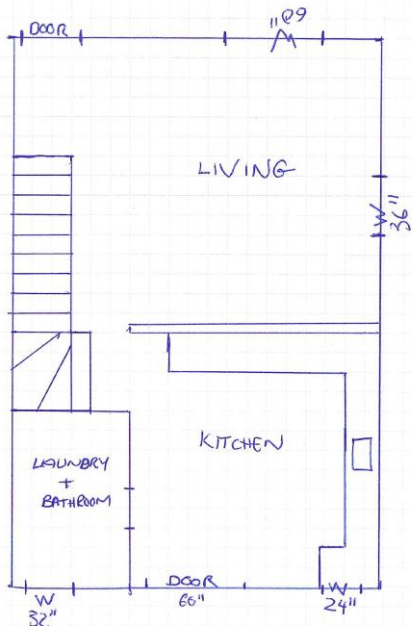
Sincerely,



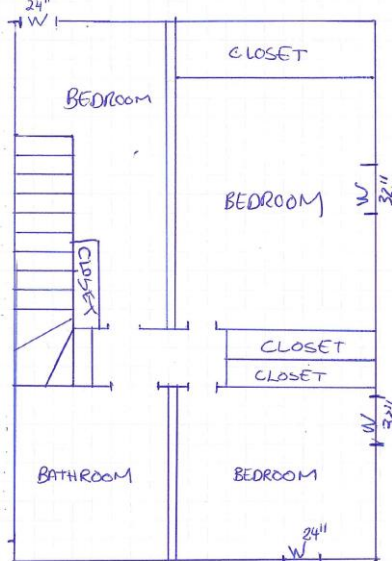
Rod Price,  
Rortar Land Development Consultants.

**SCHEDULE C** Floor Plan

134 GROUND floor

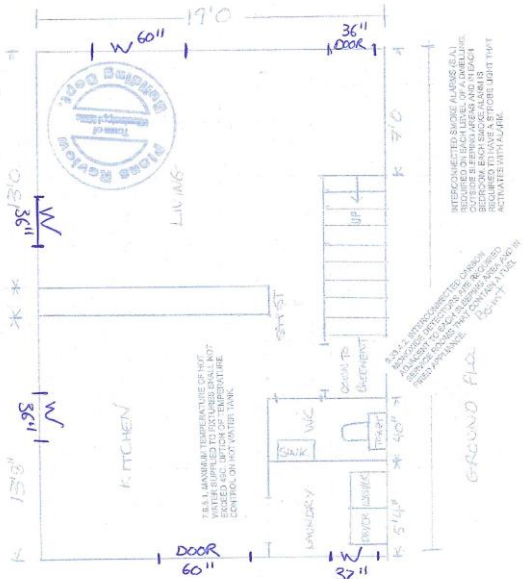


134



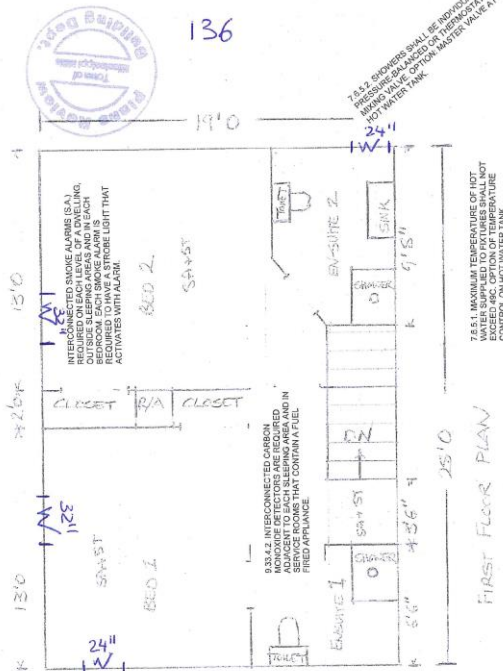
FIRST FLOOR PLAN

136



087-51

136



FIRST FLOOR PLAN

087-51

**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**  
**PLANNING REPORT**

**MEETING DATE:** Wednesday, February 19, 2020 @ 5:30pm  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-03-20 (D13-FRI-20)**  
**Lots 71 & 72, Plan 6262**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 39 Cameron Street**  
**OWNER/APPLICANT:** David Frisch & Kim Narraway

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**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 6262, Lots 71 & 72, Almonte Ward, Municipality of Mississippi Mills, municipally known as 39 Cameron Street, to reduce the minimum required 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.

**PURPOSE AND EFFECT**

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 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 13.2A	Rear Yard, Minimum	7.5m (25ft)	4.5m (14.8ft)

**DESCRIPTION OF SUBJECT LANDS**

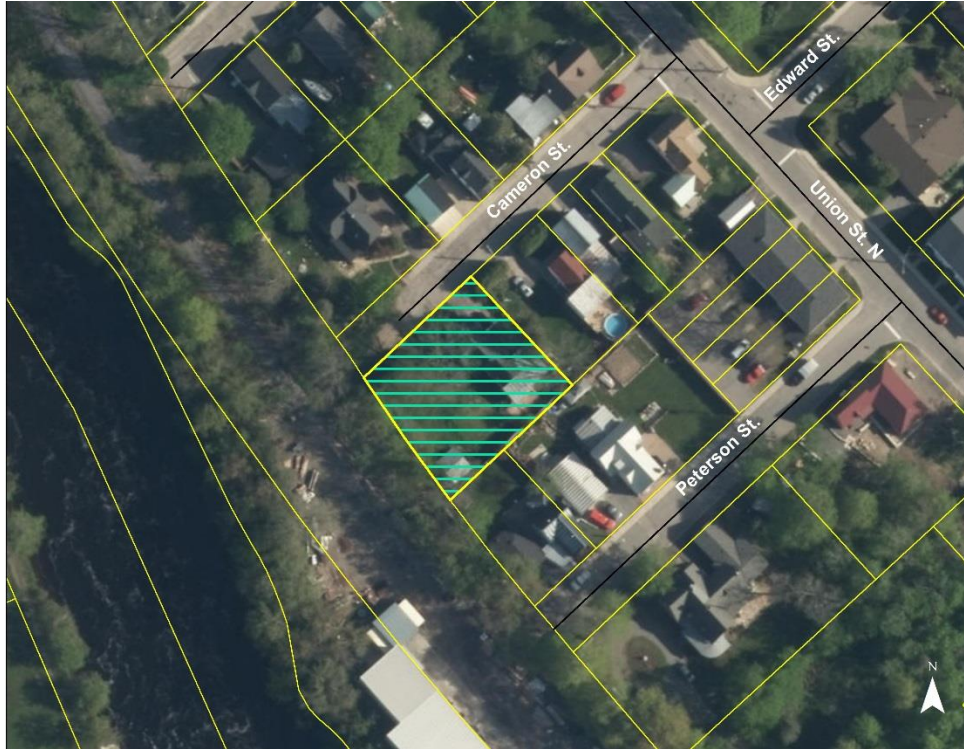
The subject property is located along Cameron Street within Almonte Ward. The entire property is ±849.8m<sup>2</sup> (0.21ac) in size with a frontage of ±31.1m (102ft). The property is occupied by a single detached dwelling. The owners are proposing to expand an existing 15.6m<sup>2</sup> (168ft<sup>2</sup>) addition into the rear and side yards by an additional 24.3m<sup>2</sup> (262ft<sup>2</sup>) for a total



area of 39.9m<sup>2</sup> (430ft<sup>2</sup>). The existing addition is legal non-complying and is presently ±5.7m (18.7ft) from the rear property line. The proposal would see the addition expanded into the rear yard by an additional 1.2m (3.9ft). Schedule A of this report contains the proposed site plan sketch.

The property is immediately adjacent to the Ottawa Valley Rail Trail (OVRT) and is generally surrounded by low density residential properties. 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 Cameron 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 this project.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** No concerns.

**Recreation Coordinator:** No concerns.

## COMMENTS FROM EXTERNAL AGENCIES

**Enbridge:** Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

**Mississippi Valley Conservation Authority:** MVCA does not have any comments with respect to the reduction in the Rear Yard setback.

However, we take this opportunity to note that a portion of the property is regulated by MVCA, including the proposed area for the addition. It is located within the Regulation Limit of a potential Erosion Hazard that is associated with the high steep slope along the river. Therefore, a permit is required from MVCA for the subject work. Based on a preliminary review of the property, we do not anticipate any concerns with the issuance of this permit.

## 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 Second Density (R2)" by the Municipality's Comprehensive Zoning By-law #11-83. The R2 Zone permits a detached dwelling and specific provisions in relation to front, interior side, exterior side, and rear yard setbacks. The owners are applying to reduce the rear yard requirement to permit the expansion of an existing non-complying addition.

#### **Minimum Rear Yard Setback Requirement**

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

*Maintenance:* The proposed expansion would further encroach into the rear yard setback by 1.2m, maintaining a distance of 4.5m from the addition to the rear lot line. As such, there remains sufficient space to navigate the rear yard for maintenance purposes.

*Runoff:* The proposed extension would result in an increase in hard surface area of 24.3m<sup>2</sup> (262ft<sup>2</sup>) in the rear and side yards. Inferring from the site drawings, runoff from the proposed addition will be directed into side and rear yards, where sufficient space for runoff exists. Therefore, Staff is of the opinion that the increase in hard surfaces from expanding the existing building footprint will not significantly impact the property or adjacent properties.

*Privacy Impacts:* Although the minor variance would reduce the minimum setback from 7.5m (24.6ft) to 4.5m (14.8ft), the requested relief would lead to negligible privacy impacts on adjacent properties. The rear yard will maintain sufficient distance from the adjacent property and an existing 6ft cedar fence along the rear lot line further enhances the privacy of the subject property and adjacent properties.

At the time this report was submitted, no objections had been received from adjacent owners about potential impacts.

*Amenity Space:* While the proposed expansion will encroach into the rear yard amenity space, there remains sufficient amenity space within the side yard of the subject property which serves a function similar to a rear yard. Additionally, a new porch and deck are proposed as part of the building plan. As such, Staff is of the opinion that the proposal will not negatively impact amenity space.

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 the requested relief would increase livable space within an existing single detached 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, and privacy. 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 for single detached dwellings would reduce the requirement from 7.5m (25ft) to 4.5m (14.8ft), resulting in a requested relief of 1.2m (3.9ft). Staff do not consider the request significant from a qualitative 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.

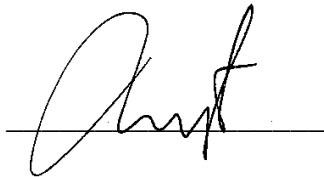
**CONCLUSION**

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 to any other stakeholders. Staff believes that Minor Variance Application A-03-20 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:

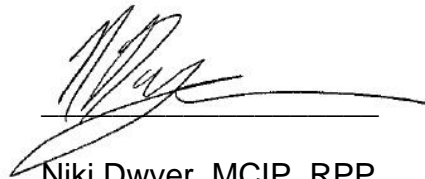
- 1. That the Minor Variances are approved based on the plans submitted; and**
- 2. That the owners obtain all required building permits.**

All of which is respectfully submitted by,

Reviewed by,



Maggie Yet  
Planner 1

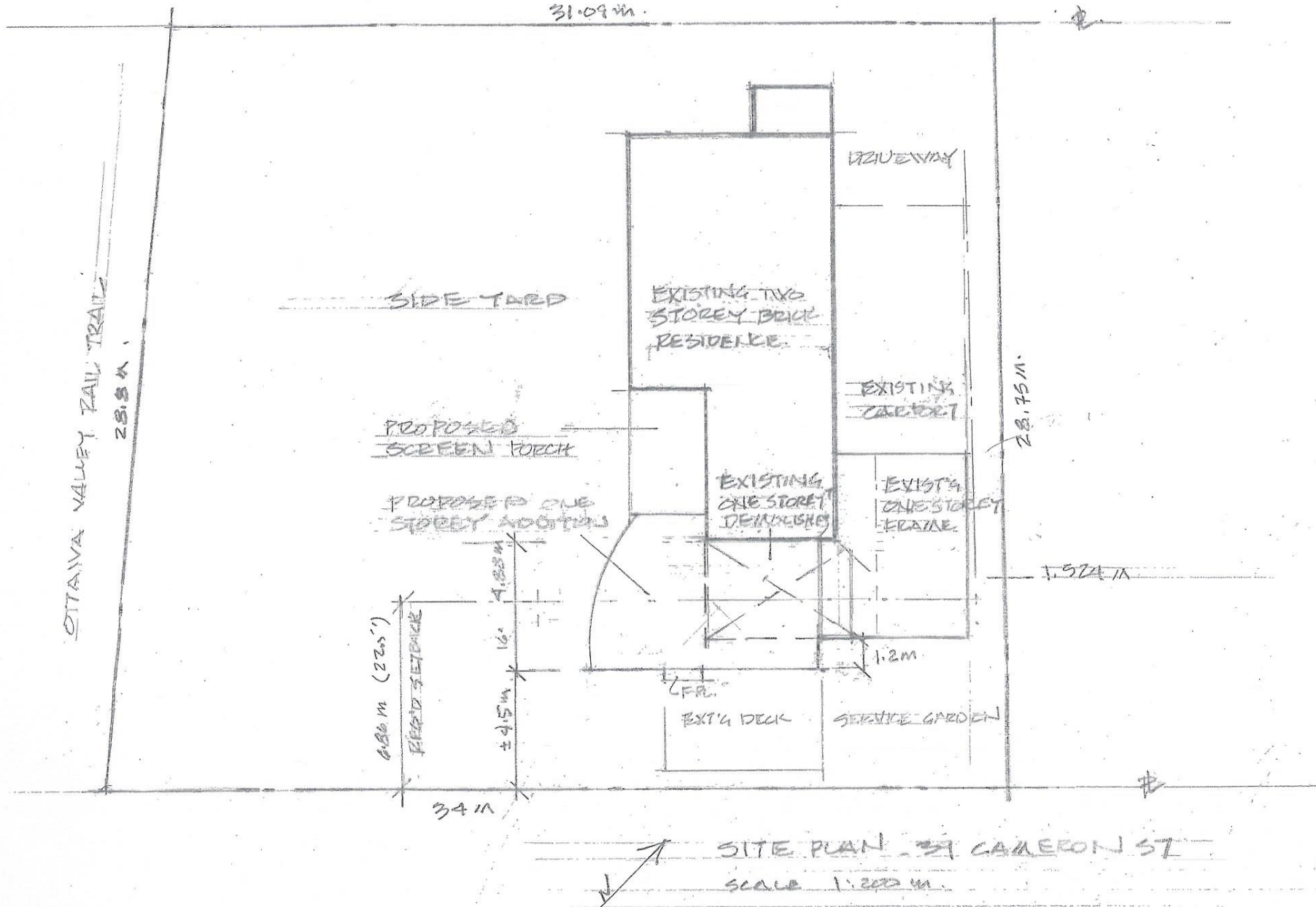


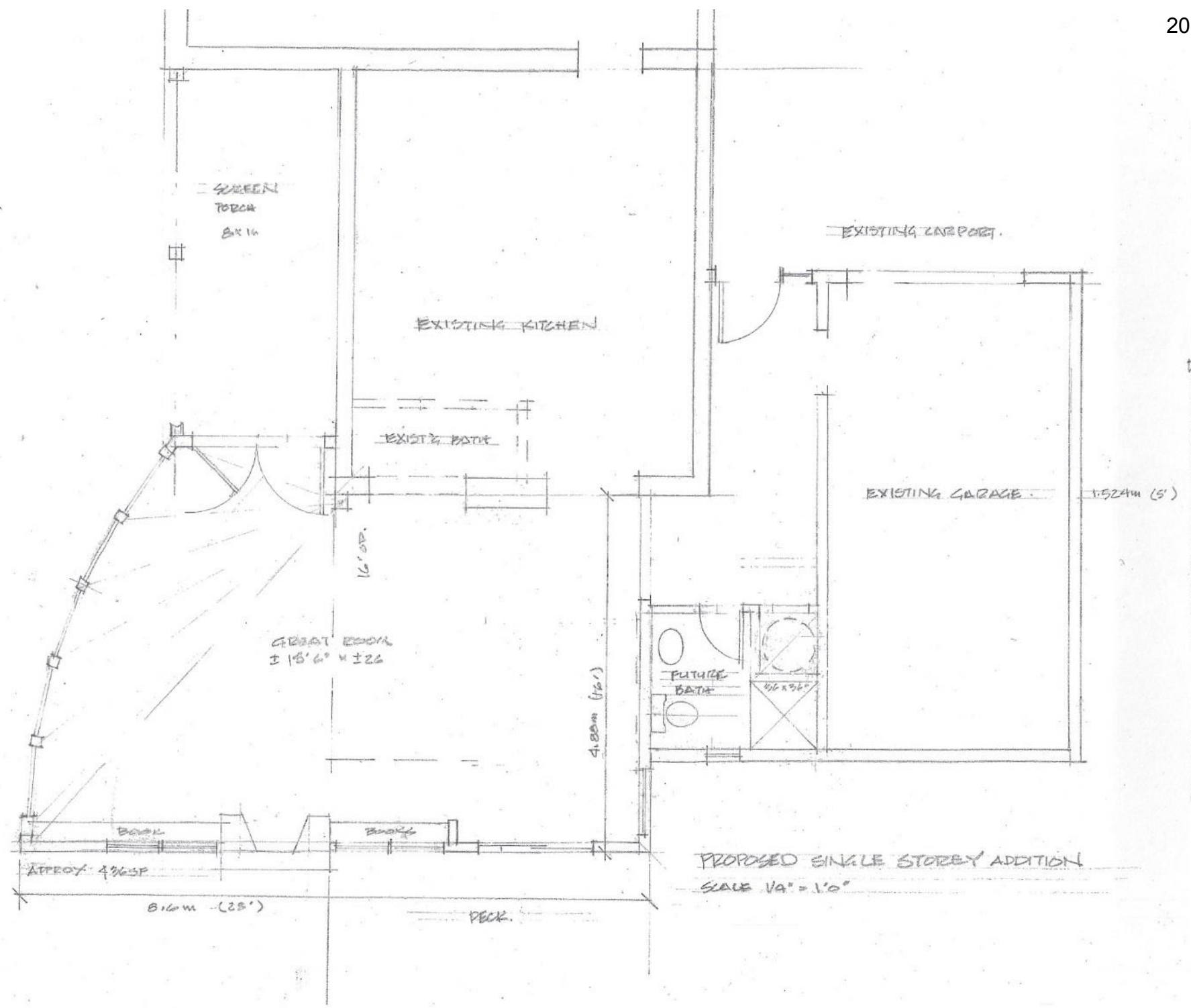
Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

**ATTACHMENTS:**

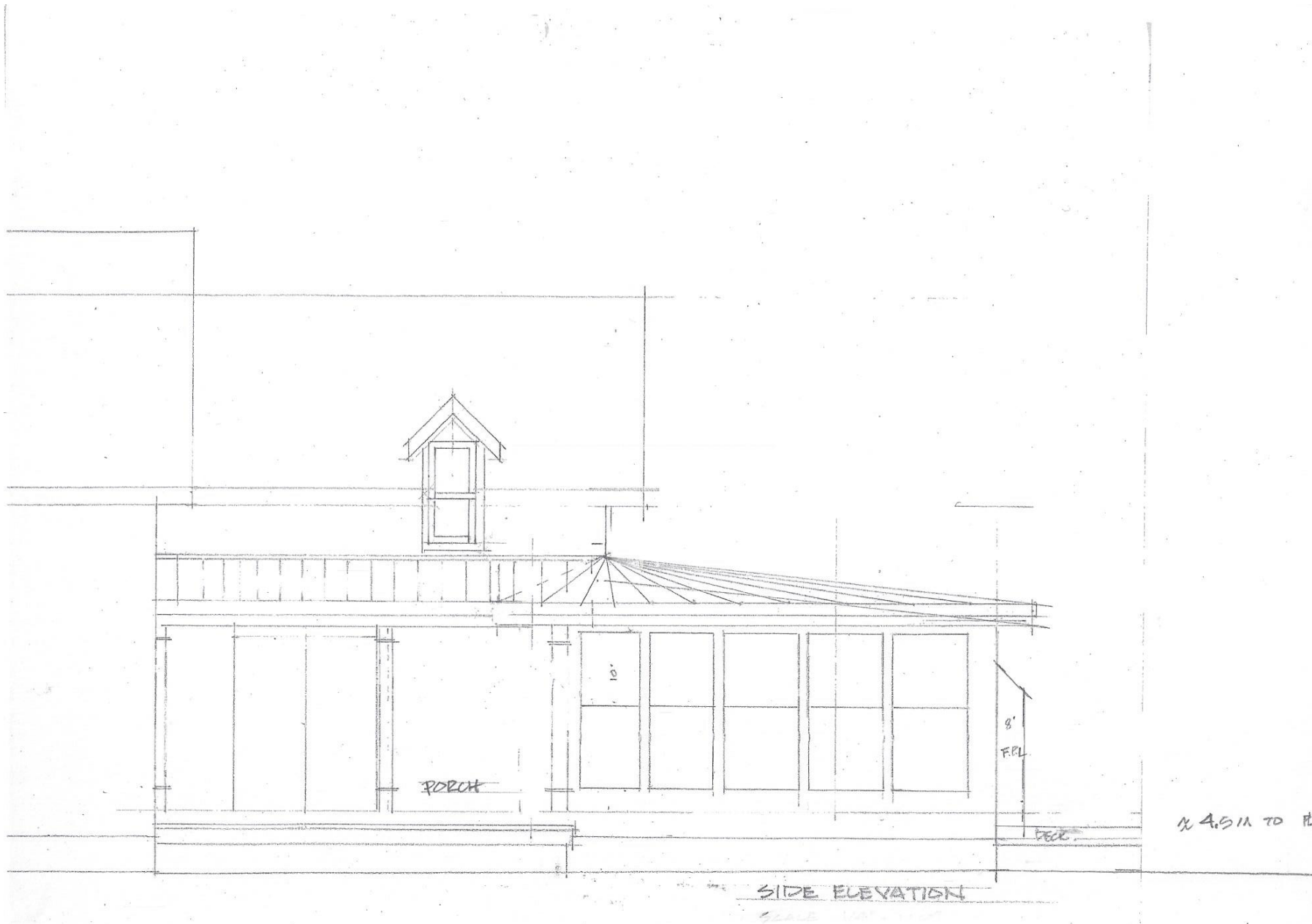
SCHEDULE A – Site Plan & Elevation Drawings

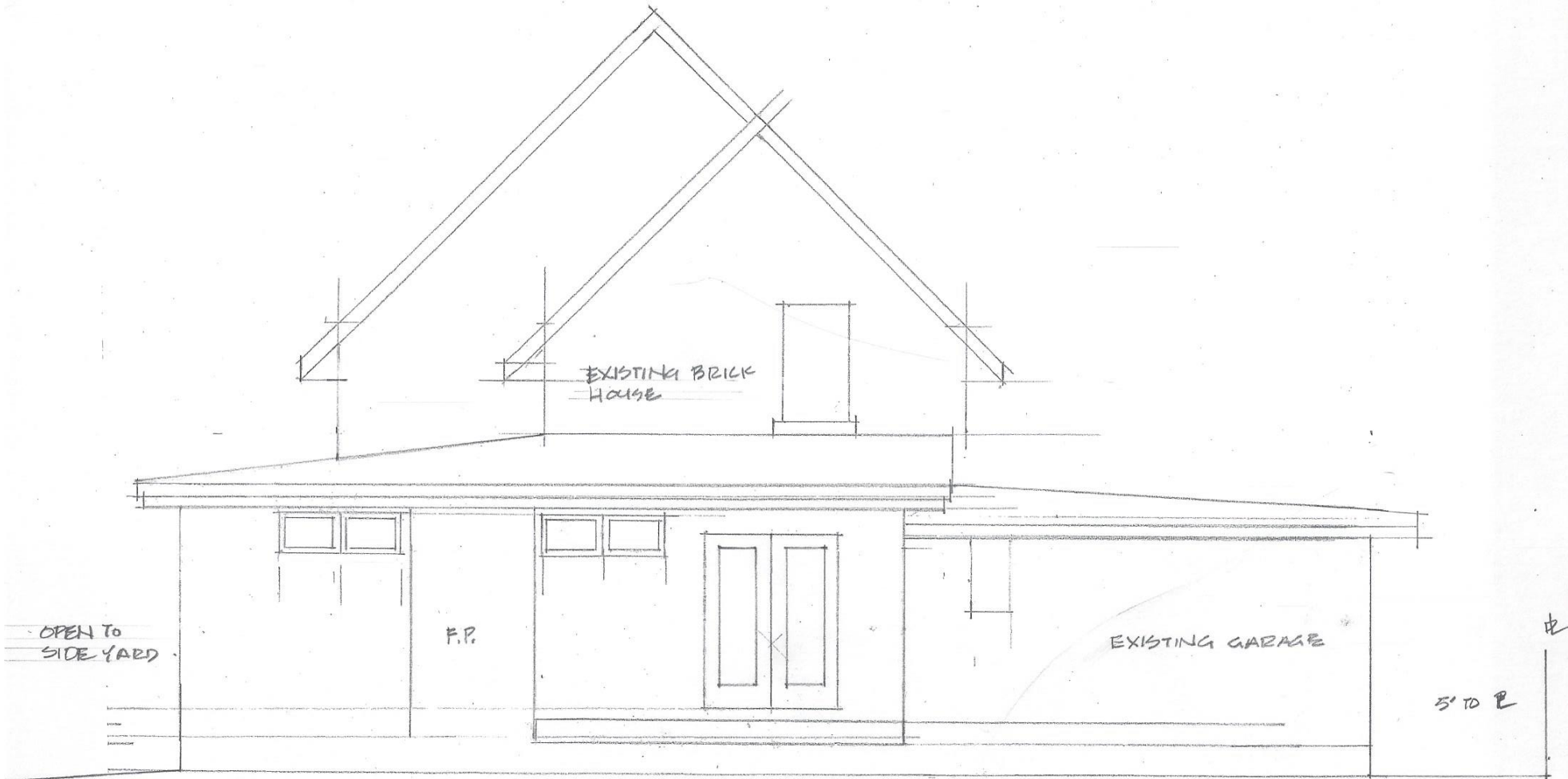
**Schedule A** Site Plan & Elevation Drawings











REAR ELEVATION

10/16  
96

0/0



## THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

### PLANNING REPORT

**MEETING DATE:** Wednesday, February 19, 2020

**TO:** Committee of Adjustment

**FROM:** Maggie Yet – Planner 1

**SUBJECT:** **MINOR VARIANCE APPLICATION A-04-20 (D13- -20)**  
**Part Lot 2, McClellan Section, Plan 6262, being Part 1 on**  
**Reference Plan 27R5684**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 55 Spring Street**

**OWNER(S):** Adel Girgis & Nashaat Mekhaeil

**APPLICANT:** Rod Ayotte

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#### RECOMMENDATION:

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Lot 2, McClellan Section, Plan 6262, being Part 1 on Reference Plan 27R5684, 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.

#### PURPOSE AND EFFECT

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 Minor Variance request is outlined below:

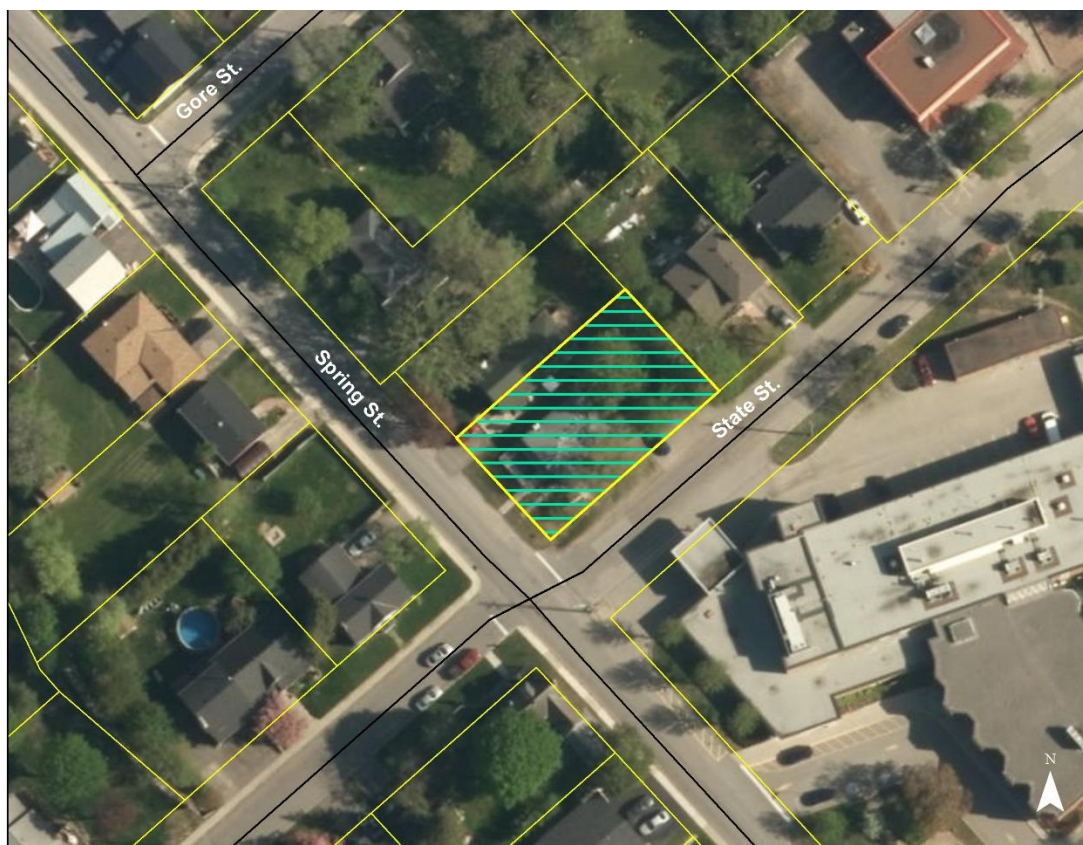
**Table 1. – Requested Relief from Zoning By-law #11-83**

Section	Zoning Provision	By-law Requirement	Requested
Table 14.2A	Exterior Side Yard, Minimum	6m (19.7ft)	4.1m (13.5ft)
Table 14.2A	Rear Yard, Minimum	7.5m (24.6ft)	6.9m (22.6ft)

## **DESCRIPTION OF SUBJECT LANDS**

The subject property is located on Spring Street, at the intersection of Spring Street and State Street within Almonte Ward. The property is  $\pm 540.4\text{m}^2$  (0.13ac) with a frontage of  $\pm 15.2\text{m}$  (50ft) along Spring Street. The subject property is occupied by a single detached dwelling. Almonte General Hospital is located adjacent to the subject property on State Street. The residential character of the surrounding area is generally low density. 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 and has driveway access from Spring Street, a municipal owned and maintained road. An existing parking pad on the subject property is accessible from State Street. 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:** No objections.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** No concerns.

**Recreation Coordinator:** No concerns.

### **COMMENTS FROM EXTERNAL AGENCIES**

**Enbridge:** Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

**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 density residential uses and accessory uses. The Municipality's COP does not specifically address or contain policies related to minimum rear yard or exterior side yard setback 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 Second Density Exception 6 (R2-6)" by the Municipality's Comprehensive Zoning By-law #11-83. The R2-6 Zone permits detached, semi-detached, duplex and triplex dwellings and accessory structures with specific provisions in relation to front, interior side, exterior side, and rear yard setbacks for primary and accessory uses. The special exception provision permits a commercial medical facility and pharmacy on the subject property, as well as one (1) parking space within the front yard. The applicant is applying for relief from the minimum rear yard and exterior side yard provisions of the R2 Zone.

#### **Minimum Rear Yard Setback Requirement**

The intent of the minimum rear yard setback requirement is to ensure that there is sufficient separation between the building and the rear lot line in order to allow for maintenance around

the building, prevent runoff onto neighbouring properties, mitigate any potential visual and privacy impacts between neighbouring properties, and maintain appropriate amenity space for the owners.

*Maintenance:* The applicant has requested relief from the minimum rear yard setback from 7.5m to 6.9m, constituting a total relief of 0.6m (2.0ft). As 6.9m (22.6ft) of space remains from the addition to the rear yard lot line, there is adequate room for maintenance purposes.

*Runoff:* As an addition greater than 25% of the gross floor area of the existing dwelling within the Almonte Settlement Boundary, the Owners/applicant are required to submit a Site Plan Control application, which includes the submission of a grading and drainage plan to the satisfaction of the Director of Roads & Public Works.

*Privacy Impacts:* Although the minor variance would reduce the minimum setback from 7.5m (24.6ft) to 6.9m (22.6ft), the requested relief would lead to negligible privacy impacts on adjacent properties as the rear yard will maintain sufficient distance from the adjacent property to the rear.

*Amenity Space:* While the proposed addition will remove amenity space from the rear yard, there remains sufficient amenity space within the front and exterior side yards of the subject property for the residential use. As such, Staff is of the opinion that the proposal will not negatively impact amenity space.

Given the above, Staff are of the opinion that the requested relief from the minimum rear yard setback in question maintains the intent of the Zoning By-law #11-83.

### **Minimum Exterior Side Yard Setback Requirement**

The intent of the minimum exterior side yard setback requirement for principal dwellings is to ensure that there is sufficient separation to allow for maintenance around the building and to maintain sightlines for vehicular and pedestrian movement and safety on the abutting road allowance, as well as to establish a consistent building line along the streetscape.

*Sightlines:* The applicant has requested relief from the minimum exterior side yard setback of 6m to 4.1m, constituting a total relief of 1.9m (6.2ft). Site plan drawings indicate that the addition would be located at the rear of an existing dwelling with a non-compliant exterior side yard of 5.94m (19.5ft). Given the existing site conditions and the location and placement of the proposed addition, Staff do not anticipate any impacts on vehicle and pedestrian sightlines as a result of the application.

*Landscaping, Runoff, Maintenance and Snow Storage:* As a minimum of 4.1m of space within the exterior side yard is maintained, sufficient space remains for landscaping, runoff, maintenance and snow storage purposes on the subject property.

Given the above, Staff is of the opinion that the requested relief from the minimum exterior side yard setback maintains the general intent of the Zoning By-law.

### **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 construction of an addition to be used for a pharmacy, thereby maximizing the owners' personal enjoyment and use of the land. The existing dwelling will continue to be used

as a residential dwelling. Given the location of the subject property, a pharmacy is complementary with the surrounding land uses.

Given the above, 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 variances from the minimum rear yard setback of 7.5m to 6.9m and minimum exterior side yard setback from 6m to 4.1m result in a requested relief of 0.6m and 1.9m respectively. The proposed variances would permit an addition with a total building area of 107.0m<sup>2</sup> (1,152ft<sup>2</sup>). Without a variance, an addition with a total building footprint of 82.1m<sup>2</sup> (884ft<sup>2</sup>) is permitted on the subject property. As such, the requested variance would permit an increase in a building area of 24.9m<sup>2</sup> (268ft<sup>2</sup>).

Given the minimal impacts of the requested reliefs on maintenance, landscaping, runoff, snow storage, privacy, amenity space and sightlines, Staff do not consider the request significant from a quantitative standpoint. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

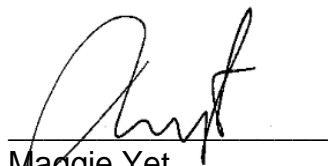
#### **CONCLUSION**

Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-04-20 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:

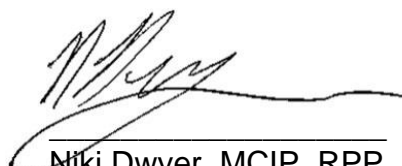
- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the Owners apply for and obtain Site Plan control for the proposed addition;**  
**and**
- 3. That the Owners obtain all required building permits.**

All of which is respectfully submitted by,

Reviewed by,



Maggie Yet  
Planner 1

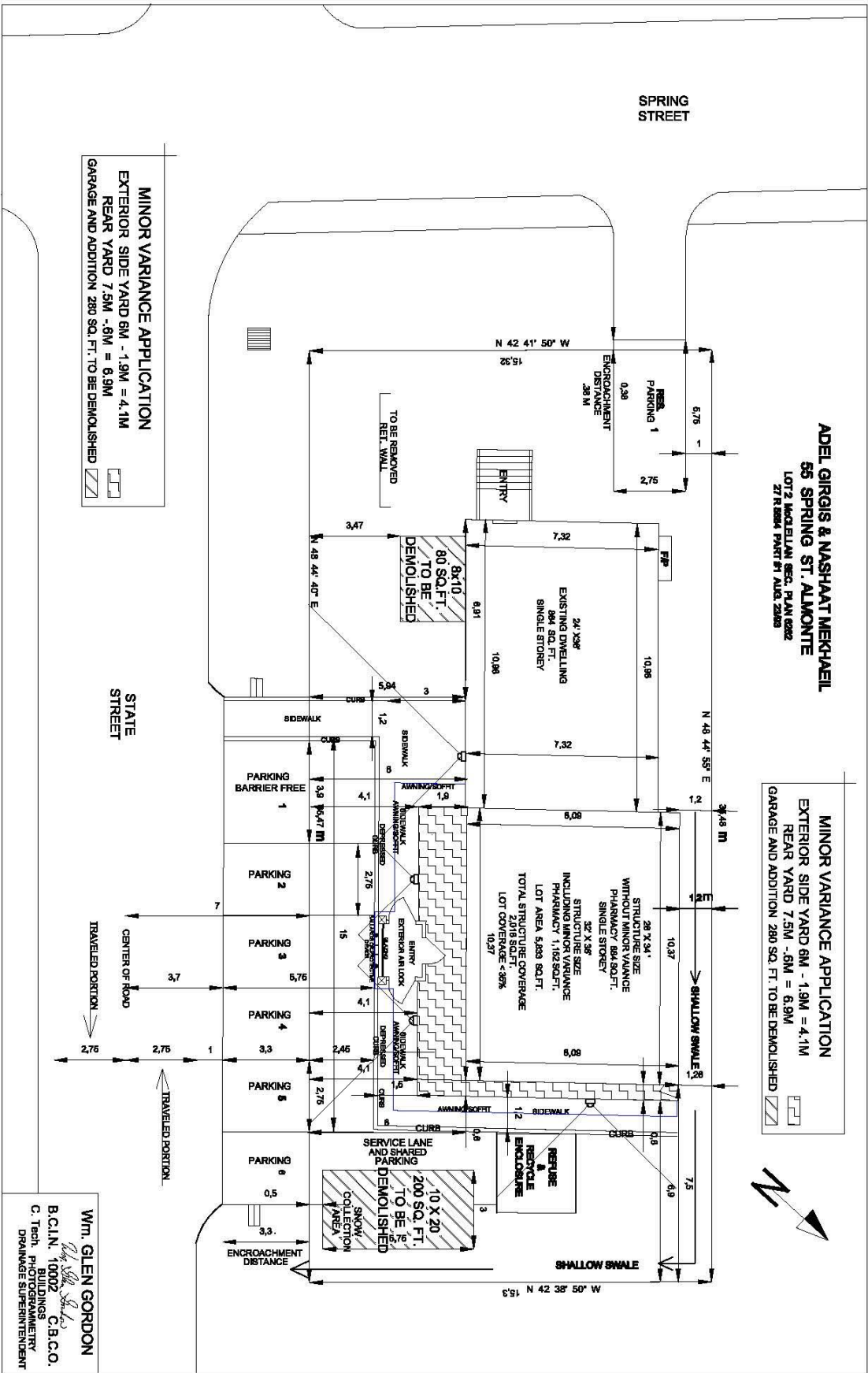


Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

#### **ATTACHMENTS:**

SCHEDULE A – Site Plan

**Schedule A Site Plan**



**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**  
**PLANNING REPORT**

**MEETING DATE:** Wednesday, February 19, 2020  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-05-20 (D13-LEV-20)**  
**Lot 3, Plan 6262**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 144 Queen Street**

**OWNER:** Helen Noreen Levi  
**APPLICANT:** Stephan Chagnon

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**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described 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 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 are approved based on the plans submitted; and**
- 2. That the Owner/Applicant obtain all required building permits and approvals for the secondary dwelling unit.**

**PURPOSE AND EFFECT**

The applicant is requesting relief to legally permit a secondary dwelling unit in the Downtown Commercial (C2) Zone in a non-conforming single detached dwelling; 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 Minor Variance request is outline 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>
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	(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

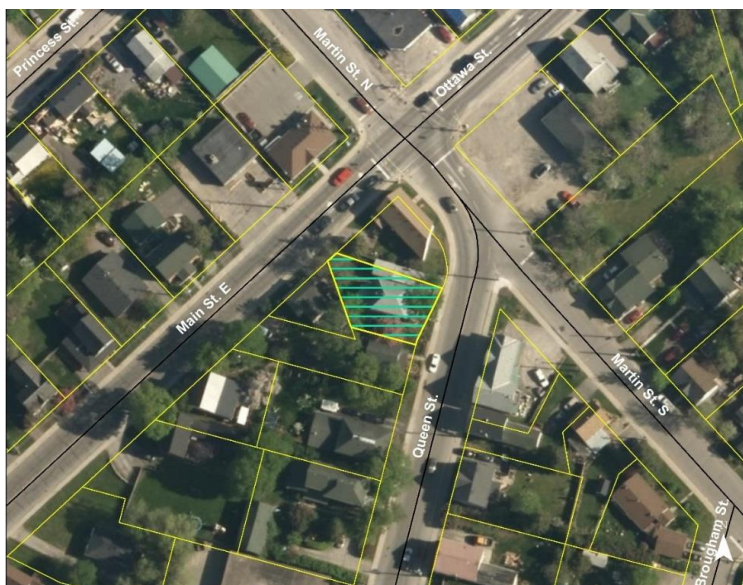


		rear of a non-residential store front use.	rear of a non-residential store front use, and <b><u>one (1) secondary dwelling unit within a detached dwelling.</u></b>
8.16	Secondary Dwelling Units	(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to <b><u>40%</u></b> of the gross floor area of its principal dwelling unit.	(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to <b><u>49.6% (805ft<sup>2</sup>)</u></b> of the gross floor area of its principal dwelling unit.

### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located along Queen Street within Almonte Ward, south-west of the intersection of Martin St. N and Queen Street. The entire property is  $\pm 418.6\text{m}^2$  (3,920.4ft<sup>2</sup>) in size with a frontage of  $\pm 54\text{m}$  (54.0ft). The subject property is generally surrounded by low density residential and commercial uses. The location of the subject property is depicted in the following aerial photo:

**Figure 1. – Aerial Photo of Property (2014)**



The property is presently occupied by a single detached dwelling with a summer kitchen at the rear of the dwelling and a one-storey addition, previously used for commercial purposes. The dwelling and summer kitchen have a cumulative gross floor area of 152.5m<sup>2</sup> (1,624ft<sup>2</sup>). The former commercial space has a gross floor area of 74.8m<sup>2</sup> (805ft<sup>2</sup>). The residential dwelling is considered legal non-conforming. The last known commercial operation ceased in 1995. Following the last commercial tenant, the addition was converted to an accessory apartment. The Building Department does not have permits on file relating to the change of use.



According to the applicant, the addition is connected to municipal sewage services through the detached dwelling and maintains a separate water service line.

The applicant has submitted a request to legally recognize and permit the accessory apartment as a secondary dwelling unit. A layout of the detached dwelling and addition from a 1995 building plan are attached in Schedule A.

## **SERVICING & INFRASTRUCTURE**

The subject property is presently serviced by municipal water and sewage services. The apartment shares a sewage line with the detached dwelling and maintains a separate connection to the municipal water line. Driveway access is located on Main Street from the rear of the subject property and three spaces for vehicle parking are available. No additional parking spaces are required to be provided as part of the application. 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:** We have no building permits for the change of use of this space from commercial to residential. We would request that the owners obtain a building permit to allow us the opportunity to inspect this dwelling unit to ensure all components required by the Ontario Building Code are in place to ensure health and safety.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** No concerns.

**Recreation Coordinator:** No concerns.

### **COMMENTS FROM EXTERNAL AGENCIES**

**Enbridge:** Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

**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 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.

#### 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:

#### **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 secondary dwelling unit would maintain the residential use 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 consists of a mix of low-density residential uses and commercial uses. Abutting land uses are residential in nature.

- (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 structure of approximately 74.8m<sup>2</sup> (805ft<sup>2</sup>). No new structure is proposed as part of the application. As such, Staff do not believe the secondary dwelling unit represents an unreasonable increase in the 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 is expected to have minimal 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 structure is presently screened along the side lot line with vegetation and fencing which provides sufficient screening from the adjacent residential dwelling.

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

The addition of a secondary dwelling unit is expected to have minimal affects on existing traffic conditions along Main Street where driveway access for the subject property is located. 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. There are existing parking spaces for 3 vehicles on the subject property which meets and exceeds parking requirements for a single detached 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 commercial addition is presently connected to municipal water and sewer services.

Additionally, 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,

As part of the Minor Variance application, the applicant has applied for relief from the maximum 40% of the gross floor area of the primary dwelling provision which is analyzed below. The Zoning By-law does not require the provision of additional parking for secondary dwelling units. The application otherwise meets the requirements of the Zoning By-law.

- (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 – Secondary Dwelling Units above 40% of the principal dwelling’s gross floor area

The Municipality's COP contains policies related to accessory apartment dwellings within the Residential designation; however, the COP does not address or contain policies regarding accessory apartment dwellings specifically related to the Downtown Commercial designation. Within the Residential policies, the COP does not address minimum size requirements for accessory apartment dwellings. Accessory apartment dwellings are permitted so long as the following criteria are generally satisfied:

**Section 3.6.9 Apartment in Houses Policy**

- (i) only one apartment per single detached dwelling;*
- (ii) all requirements of the Zoning By-law are met, including adequate off-street parking, and minimum floor area for apartment units; and,*
- (iii) all building code and fire code requirements are addressed.*

The COP defers regulating minimum and maximum dwelling unit sizes for secondary dwelling units to the Zoning By-law. Given that the COP does not provide policies for secondary dwelling unit sizes, Staff conclude that the requested variance conforms to the general intent 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: permission to permit a secondary dwelling unit in a non-conforming detached dwelling and relief from the maximum 40% of the primary dwelling's gross floor area provision.

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 with limited commercial presence. No changes to the existing streetscape are expected as a result of the additional residential unit on the subject property.

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 legally recognize and permit a secondary dwelling unit in an existing addition. 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. Secondary nature can be ensured through shared servicing which would prevent a unit capable of being severed and require the secondary unit to exist only along with its principal dwelling unit. The applicant has indicated on the building drawing submitted as part of the application that the existing addition is connected to municipal sanitary servicing through the principal dwelling. While typically Staff would require that both sanitary and water lines be shared through the primary dwelling, given the existing circumstances of the addition, Staff believe one shared service is sufficient to maintain the addition's subsidiary nature to the primary dwelling. No concerns with the servicing arrangement have been raised by Public Works.

*Visual Impact:* The secondary dwelling unit is located within an existing addition to 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.

Given the above, Staff is of the opinion the requested relief to permit a secondary dwelling unit greater than 40% of the gross floor area of the primary dwelling in a legal non-conforming dwelling in the C2 Zone 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 legally recognize the secondary dwelling unit within an addition of a non-conforming detached dwelling. 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 legally recognize and permit a secondary dwelling unit in an area where increased residential density and smaller dwelling unit sizes are generally permitted. As such, a secondary dwelling unit in a non-conforming dwelling can be considered an appropriate and logical form of development.

Additionally, the requested relief to the maximum permitted floor area is appropriate given the addition has limited impact on visual character of the streetscape, being limited in both form and intensity. The commercial unit, despite a total area of 805ft<sup>2</sup>, narrowly occupies the street. A large tree in the front yard of the property further reduces the visual impact of the dwelling and addition. Vegetation along the side yard of the property reduces impact on the property directly adjacent to the addition. Finally, the subsidiary nature of the secondary dwelling unit is guaranteed through shared sanitary servicing which requires the addition to be reliant on the primary dwelling unit.

Given the above, a secondary dwelling unit can be considered a desirable and appropriate development on the subject lands.

#### 4. Is the proposal minor?

The subject lands are surrounded primarily by residential uses with a limited number of commercial. The requested relief would permit a secondary dwelling unit in the Downtown Commercial zone within an existing non-conforming detached dwelling and to permit said secondary dwelling unit to occupy a floor area greater than the permitted maximum, calculated at a rate of 40% of the gross floor area of the principal dwelling. At 40% of the gross floor area of the principal dwelling, the secondary dwelling unit would be permitted to occupy an area of 60.3m<sup>2</sup> (649.6ft<sup>2</sup>) without a minor variance provided relief is granted to expand the non-conforming residential use. The requested relief would permit a maximum floor area of 74.8m<sup>2</sup> (805ft<sup>2</sup>), constituting a total relief of 14.4m<sup>2</sup> (155.4ft<sup>2</sup>).

Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties. As such, Staff consider the qualitative value of the requested reliefs to be minor in nature.

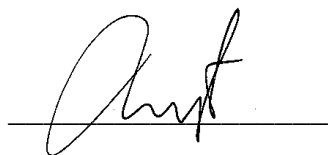
#### **CONCLUSION**

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-05-20 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:

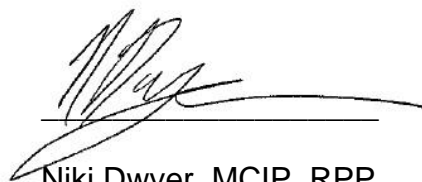
1. **That the Minor Variance are approved based on the plans submitted; and**
2. **That the Owner/Applicant obtain all required building permits and approvals for the secondary dwelling unit.**

All of which is respectfully submitted by,

Reviewed by,



Maggie Yet  
Planner 1



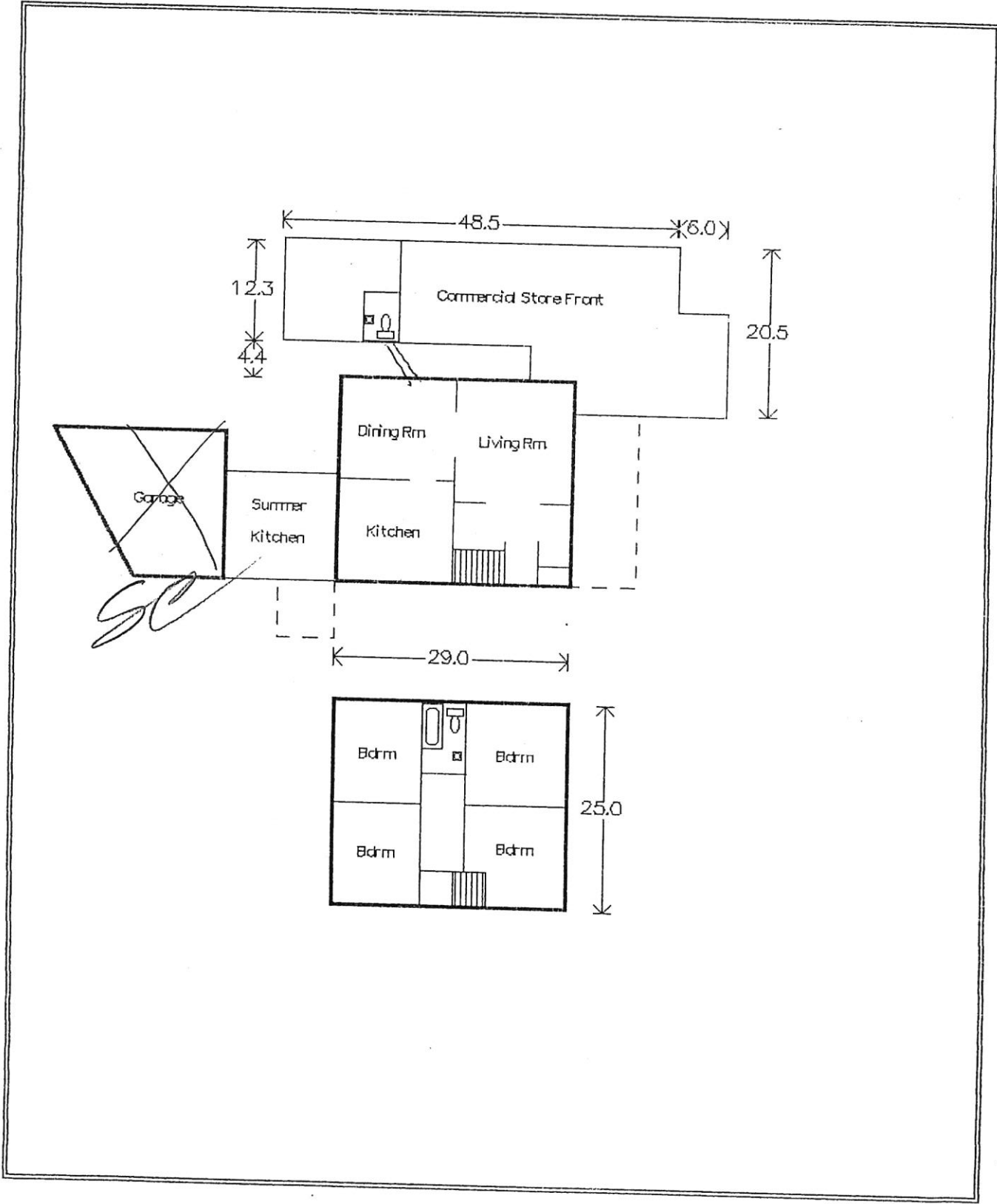
Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

#### **ATTACHMENTS:**

SCHEDULE A – Building Plan  
SCHEDULE B – Site Photo

**Schedule A** Building Plan, 1995

**BUILDING SKETCH**





**Schedule B** Site Photo (Image from Google Maps Streetview)

