

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
PLANNING REPORT

MEETING DATE: Wednesday, November 30, 2022

TO: Committee of Adjustment

FROM: Jeffrey Ren, Planner

SUBJECT: **MINOR VARIANCE APPLICATION A-18-22**
Ramsay Concession 4, Part Lot 1; Plan 27R-10999, Part 2,
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 196 Montgomery Park Road

OWNER/APPLICANT: Daniel Malloch

RECOMMENDATION

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the subject property, legally described as Ramsay Concession 4, Part Lot 1; Plan 27R-10999, Part 2, Ramsay Ward, Municipality of Mississippi Mills, to permit a Secondary Dwelling Unit (Additional Residential Unit), subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
 - To permit a Secondary Dwelling Unit that is greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16 (1) e) states that a Secondary Dwelling Unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit;**
 - To permit a Secondary Dwelling Unit on a lot that is legally non-complying with respect to lot width and lot area, whereas Section 8.16 (2) states that a Secondary Dwelling Unit is only permitted in a settlement area is not permitted on a lot that is legally non-complying with respect to lot width and lot area.**
- 2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling Unit including confirmation that at least one of the two private services (well and septic) are shared with the principal dwelling to the satisfaction of the Municipality.**

3. That the Owner/Applicant demonstrate that existing or proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling Unit, to the satisfaction of the Municipality and septic system approval authority.
4. That the Owner/Applicant provide a scoped Environmental Impact Study to confirm that there are no negative impacts on the nearby Significant Woodlands to the satisfaction of the Municipality.
5. That the Owner/Applicant enter into a site plan agreement or development agreement, as required, with the Municipality.

PURPOSE AND EFFECT

The subject property is zoned Rural (RU). The applicant is requesting relief from the provisions of Section 8.16 (1) e) and Section 8.16 (2) of Zoning By-law #11-83 to permit a Secondary Dwelling Unit (SDU) that is larger than 40% of the gross floor area (GFA) of the primary dwelling unit on a lot that is legally non-complying with respect to lot width and lot area.

The requested variance is outlined below.

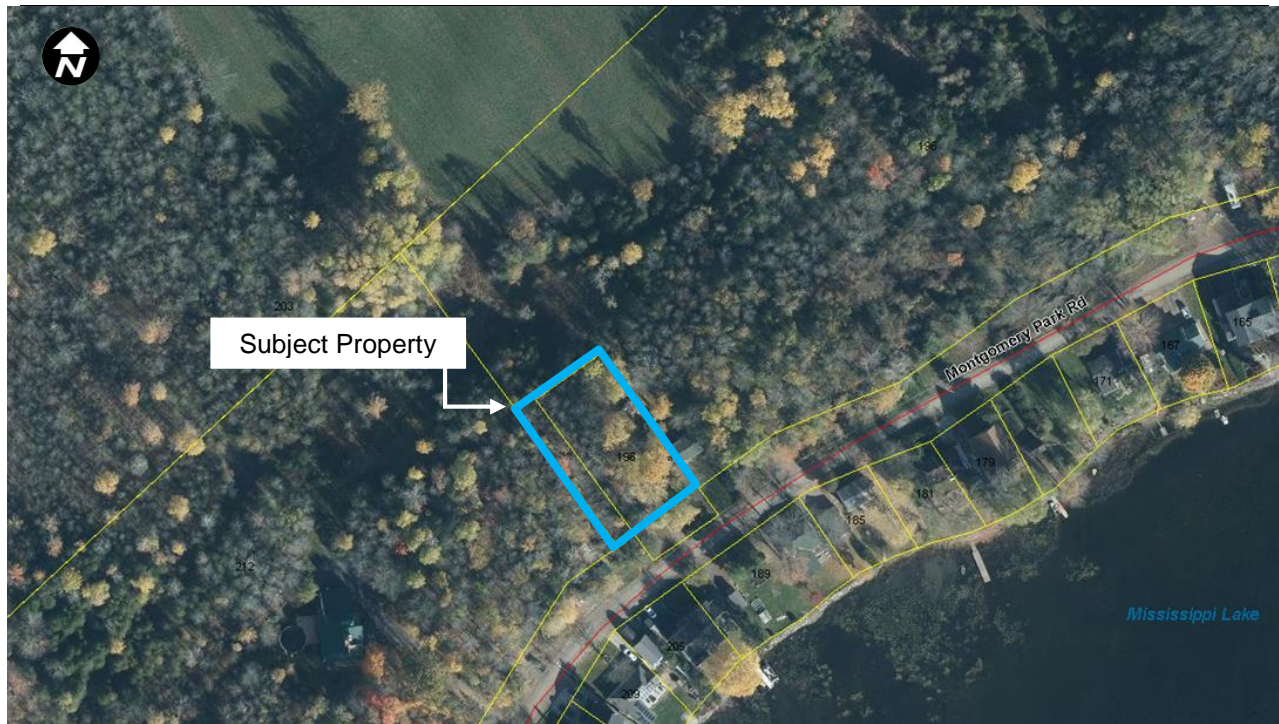
Table 1 – Requested Relief from Zoning By-law #11-83

Section	Zoning Provision	By-law Requirement	Requested
Section 8.16 (1) e)	GFA of a Secondary Dwelling Unit	No more than 40% of the GFA of the Primary Dwelling	41% of the GFA of the Primary Dwelling
Section 8.16 (2)	Minimum Lot Frontage	45 m	30.48 m
	Minimum Lot Area	1 ha	~0.186 ha

DESCRIPTION OF SUBJECT LANDS

The subject property is located along the north side of Montgomery Park Road. The property measures approximately 0.186-ha in area and has approximately 30.48 metres of frontage along Montgomery Park Road. The subject property is currently occupied by a single storey detached non-farm residential dwelling and a detached garage. The subject property is surrounded by residential properties on lands zoned Environmental Hazard (EH) to the south and larger Rural (RU) zoned properties to the north, east and west. A Provincially Significant Wetland and an area designated as Significant Woodlands are both found within 120 m of the subject property; lands designated as Flood Plain can be found both to the north and to the south of the subject property.

Figure 1: Aerial Image of Subject Property



PROPOSED DEVELOPMENT

The proposed development consists of an addition to the existing single storey detached dwelling. A detached garage currently exists on the property and is proposed to be demolished. The proposed addition consists of a breezeway between the existing house and the addition, a two-car garage and a Secondary Dwelling Unit located behind the proposed attached garage. The existing house has an approximate Gross Floor Area (GFA) of 141.2 square metres (~1520 square feet) and includes a finished basement. The proposed addition measures 130 square metres (1400 square feet) in size and includes the 57.2 square metre (616 square feet) Secondary Dwelling Unit. The Secondary Dwelling Unit portion of the proposed addition represents an area that is equivalent to 41% of the GFA of the principal dwelling unit thereby requiring relief from Section 8.16 (1) e) of the Zoning By-law which limits the size of a Secondary Dwelling Unit to no more than 40% of the GFA of the principal dwelling unit. Further reliefs are required due to the fact that the subject property is legally non-complying with respect to lot width and lot area.

Pending the outcome of the Provincial Government's *Planning Act* reforms put forth through Bill 23, *More Homes Built Faster Act, 2022*, this proposed development may not require Site Plan Control. The proposed development currently requires a Site Plan Control Lite application and a building permit application. If Site Plan Control is no longer available as a tool, then the Municipality will be requesting development agreements instead.

SERVICING & INFRASTRUCTURE

The subject property is currently serviced by private water (well) and septic systems. The existing septic system is located in the front yard and the applicant is proposing to replace the existing system. Both the principal dwelling unit and Secondary Dwelling Unit are expected to share private services.

The Owner/Applicant will have to provide to the Municipality with evidence that the proposed shared services will have the capacity to support the Secondary Dwelling Unit. The applicant has already initiated an application to replace the septic system with the relevant approval authority. It is noted that at a minimum, the Secondary Dwelling Unit must share at least one of the two private services (shared well or shared septic system).

Municipal parking and infrastructure demands would not change as a result of the application.

COMMENTS FROM CIRCULATION OF THE APPLICATION

Comments From Internal Circulation

No comments or concerns were received from internal departments at the time of the writing of this report.

Comments From External Agencies

The subject property is located within the regulation limits of the Mississippi Valley Conservation Authority (MVCA). Comments from the MVCA are expected to be forthcoming. No other comments or concerns were received from external agencies at the time of the writing of this report.

Comments From the Public

No comments or concerns were received from the public at the time of the writing of this report.

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 tests set out in the *Planning Act*.

Staff comments concerning the application of the four (4) tests to this Minor Variance request are as follows:

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

The subject property is designated 'Rural' and 'Flood Plain' as per the Municipality's Community Official Plan (COP); the area designated as 'Flood Plain' is located at the rear of the property and no development is proposed on lands designated as 'Flood Plain'. The subject property is also affected by a 'Rural-Agriculture' overlay and is located within 120 m of a Provincially Significant Wetland and a Significant Woodland. As required by Policy 2 of Section 3.1.4.4.1 of the COP, the applicant will be required to submit an Environment Impact Statement (EIS) in order to demonstrate that there are no negative impacts on the Significant Woodlands located within 120 m of the subject property as a condition of approval. As per Policy 5 of Section 3.1.4.1.1 of the COP, additions and expansions to existing buildings is permitted within 120 m of a Provincially Significant Wetland without the need for an EIS. The 'Rural-Agriculture' overlay policies are not triggered by this development as there are no active agricultural operations nearby. The overall proposed development maintains conformity with the relevant COP policies for the 'Rural' designation (Section 3.3) and the relevant COP policies affect Secondary Dwelling Units (Section 3.6.9).

Staff are of the opinion that the subject minor variance maintains the intent of the COP.

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

The subject property is zoned "Rural (RU)" as per Comprehensive Zoning By-law #11-83. The applicant is requesting relief from the provisions of Section 8.16 (1) e) and Section 8.16 (2) of Zoning By-law #11-83 to permit a Secondary Dwelling Unit (SDU) that is larger than 40% of the gross floor area (GFA) of the primary dwelling unit on a lot that is legally non-complying with respect to lot width and lot area. The proposed Secondary Dwelling Unit has a GFA of 57.2 square metre (616 square feet); this is an area equivalent to 41% of the GFA of the principal dwelling unit thereby requiring relief from Section 8.16 (1) e) of the Zoning By-law. Staff are of the opinion that a 1% difference in GFA is largely in keeping with the intent of the Zoning By-law. Further reliefs are required due to the fact that the subject property is legally non-complying with respect to lot width and lot area. Section 8.16 (2) of the Zoning By-law does not permit Secondary Dwelling Units on lots that are legally non-complying with respect to lot width or lot area; this provision was introduced in 2022 and the intent of the provision is to allow for Staff to review such requests on a case-by-case basis. Having reviewed this application, staff are satisfied that the subject property is appropriately sized for the proposed development. The proposed development conforms to all other applicable provisions of the Zoning By-law.

Staff are of the opinion that the variance generally maintains the intent of the Zoning By-law.

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

The proposed development is considered appropriate development of the subject property since the new Secondary Dwelling Unit would add to the local housing stock and represents a logical form of development on-site. The proposed development is expected to have minimal adverse impacts on neighbouring properties as the proposed addition would not require any planning approvals if a Secondary Dwelling Unit was not included. The subject property is larger in size than most other properties along Montgomery Park Road and is not located in an environmentally hazardous area. The size and scale of the proposed Secondary Dwelling Unit is comparable to the neighboring context.

As previously mentioned, an EIS will be required as a condition of approval to confirm that there are no negative impacts on nearby natural features. Staff are recommending that a further condition of this Minor Variance be included which would require that the Owner enter into a Development Agreement, registered on title, in order to implement any recommendations that may arise from the EIS if required.

To further demonstrate the appropriateness of the development proposal, the Owner/Applicant will be responsible for:

- Obtaining all required building permits and approvals;
- Obtaining MVCA approvals; and,
- Demonstrating servicing capacity for the proposed development including all necessary approvals from the Lanark District Health Unit.

Staff are of the opinion that the proposed development is desirable for the appropriate development of the lands in question.

4. Is the proposal minor?

The variances requested represent either a miniscule increase in the permitted GFA of the Secondary Dwelling Unit or a minor deviation to a provision whose intent is being satisfied through this application. 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 of their property, providing a new dwelling unit on the property with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-18-22 meets the four tests for evaluating a minor variance as established under the *Act*. Planning Staff therefore recommend 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 contained in this report.

All of which is respectfully submitted by,

Reviewed by,



Jeffrey Ren
Planner



Melanie Knight MCIP, RPP
Senior Planner

ATTACHMENTS:

1. SCHEDULE A – Site Plan
2. SCHEDULE B – Site Photos

[H 007E] 076L	[H 099G] 071C
MONTGOMERY PARK ROAD	



2000 (60.46 H)

LOT AREA - 1858 sqm
HOUSE AREA - 70.6 sqm
ADDITION AREA - 140.3 sqm
DECKS AND PORCHES - 6.5 sqm
F51 - 11.3%
LOT COVERAGE - 11.7%
BUILDING HEIGHT - 4.2 m

PROJECT NAME:
K SPENCER
ADDITION

DRAWING NAME:
SITE PLAN

SCALE:
1/8"=1'-0"

DATE:
OCT 21, 22

REVISION:

DHS No.
SP-1

ATTABOY DRAFTING

108 Red St.
McDonald's Corners, Ontario, K0G 1A8 ☐

Phone: (613) 390-2199
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SCHEDULE B – Site Photos

