

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, November 30, 2022 at 6:00 p.m.

TO: Committee of Adjustment

FROM: Jeffrey Ren, Planner

SUBJECT: **MINOR VARIANCE APPLICATION A-19-22**
Concession 8 East Part Lot 18
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 5359 County Road 29

OWNER/APPLICANT: Daniel Hickey and Sherri-Lee Hickey

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Concession 8 East Part Lot 18, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 5359 County Road 29 to legalize a newly rebuilt shed in the rear yard, subject to the following conditions:

- 1. That the following requested Minor Variance to Zoning By-Law #11-83 are approved:**
 - **To legalize a newly rebuilt shed in the rear yard of the property that is located 0 m away from an existing garage, whereas Table 6.1(4) requires that accessory structures maintain a minimum distance of 1.2 m from any other building located on the same lot.**
- 2. That the Owners/Applicants obtain all required building permits and approvals for the existing shed within two years, to the satisfaction of the Municipality.**

PURPOSE AND EFFECT

The subject property is zoned Agricultural (A). The applicant is seeking relief from the provisions of Table 6.1(4) in order to legalize a newly rebuilt shed that is located 0 m away from an existing garage, whereas Table 6.1(4) requires that accessory structures maintain a minimum distance of 1.2 m from any other building located on the same lot.

The Minor Variance request is outlined below.

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

Section	Provision	Requirement	Requested
Table 6.1(4)	Minimum Required Distance from any other building located on the same lot, except for a hot tub	1.2 m	0 m

DESCRIPTION OF SUBJECT LANDS

The subject property is located along the south side of County Road 29 South. The property measures approximately 0.41-ha in area and has approximately 64 metres of frontage along County Road 29 South. The subject property is currently occupied by a single storey detached non-farm residential dwelling, a detached garage and the subject shed. The subject property is surrounded by agricultural uses on all sides.

Figure 1 shows an aerial image of the subject property.

Figure 1: Aerial Image of Subject Property



PROPOSED DEVELOPMENT

The proposed development is newly rebuilt shed located in the rear yard, immediately behind the detached garage. The subject shed was erected without a building permit and is currently existing on the subject property. According to the applicants, a shed has existed on the property immediately behind the garage since they purchased the property; this previously existing shed was recently destroyed by a tree, thereby prompting the rebuilding of the subject shed. No building permits were issued for the previously existing shed and therefore it is not considered a legal non-complying use. The shed is located in the rear yard of the property immediately behind the existing detached garage and features a 0 m setback from detached garage. Table 6.1(4) requires that accessory structures maintain a minimum setback of 1.2 m from any other building located on the same lot. The shed is compliant with all other applicable provisions of the Zoning By-law.

The full legalization of the shed requires a building permit application, and the applicant has submitted a building permit application for the subject shed.

SERVICING & INFRASTRUCTURE

The subject property is on private well and septic services – there are no required or proposed changes to servicing as a result of the application. No additional parking is required for this proposed development.

COMMENTS FROM CIRCULATION OF THE APPLICATION

Comments From Internal Circulation

The Building Department indicated that there were no concerns regarding the placement of the shed. No other comments or concerns were received from internal departments at the time of the writing of this report.

Comments From External Agencies

No 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 as Agricultural in the Municipality's Community Official Plan (COP). The existing shed conforms to all applicable COP policies including policies relating to the Agricultural Designation (Section 3.2) and all applicable General Policies (Section 4).

Staff are of the opinion that the proposed variance maintains the intent of the COP.

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

The subject property is zoned Agricultural (A) as per Comprehensive Zoning By-law #11-83. Section 6.1 and Table 6.1 of the Zoning By-law contains the provisions for accessory buildings and structures such as sheds. A shed in the rear yard of a property is required to be set back by 1.2 metre from any other building located on the same lot. Although the subject relief reduces the required setback entirely, the proposed legalization of the shed does not deviate in effect from the ability to rebuild a legal non-complying building as envisioned in Section 6.14 of the Zoning By-law. Beyond the separation between the subject shed and the existing detached garage, the subject shed conforms to all other applicable Zoning By-law provisions.

Staff are generally of the opinion that the intent of the Zoning By-law is maintained.

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

The legalization of an existing shed is an appropriate and desirable form of development for the subject property. The legalization of the shed would offer the property owners peace of mind and allow the property owner to maximize the use and enjoyment of their property with no foreseeable impacts to any neighbouring properties.

As previously mentioned, to further demonstrate the appropriateness of the development proposal, the Owner/Applicant will be responsible for obtaining all required building permits and approvals.

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 existing setback of the shed represents a modest reduction to the required setback and can be considered minor in nature. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties. As a result, 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 with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-19-22 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

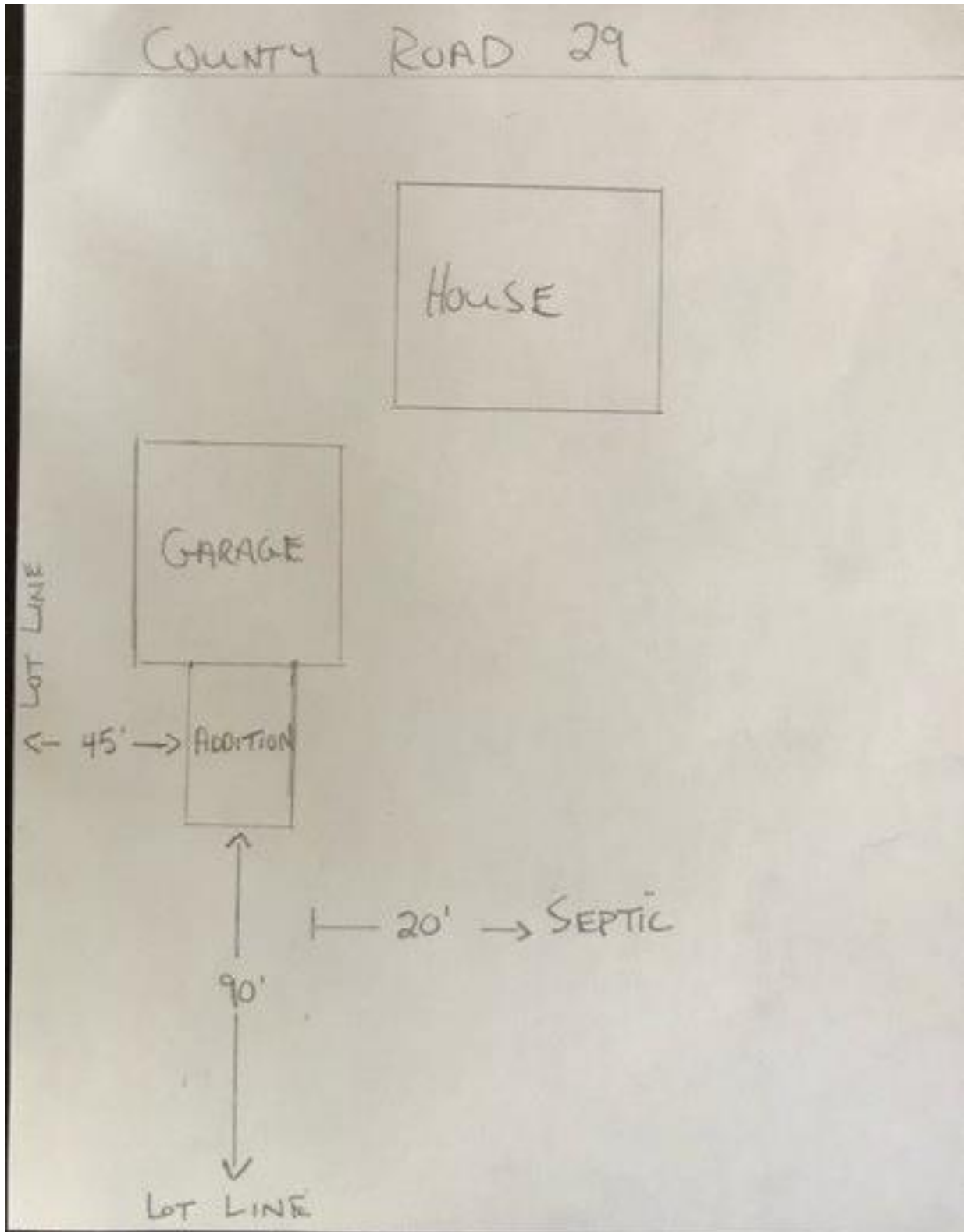


Melanie Knight MCIP, RPP
Senior Planner

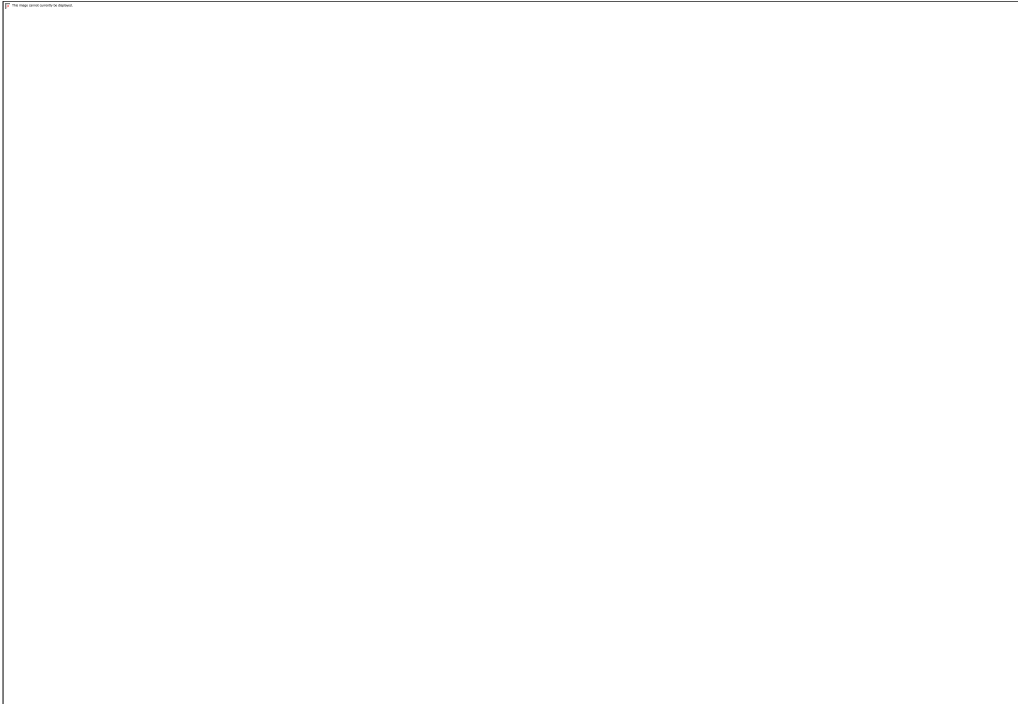
ATTACHMENTS:

1. SCHEDULE A – Site Plan
2. SCHEDULE B – Images of Original and Rebuilt Sheds

SCHEDULE A – Site Plan



SCHEDULE B – Images of Original and Rebuilt Sheds



Original Shed



Rebuilt Shed