

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## STAFF REPORT

**MEETING DATE:** February 7, 2023

**TO:** Committee of the Whole

**FROM:** Melanie Knight, Senior Planner

**SUBJECT:** **Zoning By-law Amendment – Z-16-22**  
**Lots 67 and 68 Plan 27M-88**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally Known as 364 and 366 Spring Street**

**OWNER:** Houchaimi Holdings Inc.

**APPLICANT:** Billy Houchaimi

---

### **RECOMMENDATION:**

**THAT Committee of the Whole recommend that Council approve the Zoning By-law Amendment to amend the zoning of the subject lands which are municipally known as Lots 67 and 68, Plan 27M-88, Almonte Ward, Municipality of Mississippi Mills, municipally known as 364 and 366 Spring Street, from site specific Residential Type 1 and Residential Type 2 zones (R1-20 and R2E-18) to site specific Residential Type 1 and Residential Type 2 zones (R1-31 and R2E-18) in order to align the zoning as a result of a lot addition and to address site specific side yard, similar in effect to the details in Attachment C.**

### **BACKGROUND:**

The proposed development is a semi-detached dwelling at 366 Spring Street. At the time of building permit approvals, the proposed development met all the applicable zone provisions. A construction error during the pouring of the foundation resulted in a reduced minimum front yard setback of 2.88 metres and a minimum side yard setback of 0.81 metres. The applicant has received an approved minor variance in July 2022, to address the deficient setbacks so as not to impede the construction of the semi-detached dwelling.

A lot addition (severance application B22-120) has been applied for in order to rectify the deficient setback. The severance application was heard by Land Division Committee on January 17, 2022 and conditionally approved. One of the conditions was an approved Zoning By-law Amendment to align the R2E-18 zone with the lot addition.

As the lot to be severed and lot to be enlarged are different zones (R1-20 and R2E-18, respectively), a Zoning By-law Amendment is required to amend the zoning of lands to be added to 366 Spring Street. In addition, the zoning for the lot at 364 Spring Street is to be rezoned to reduce the required interior side yard setback to 0.80 metres based on the current building permit application for a single detached dwelling.

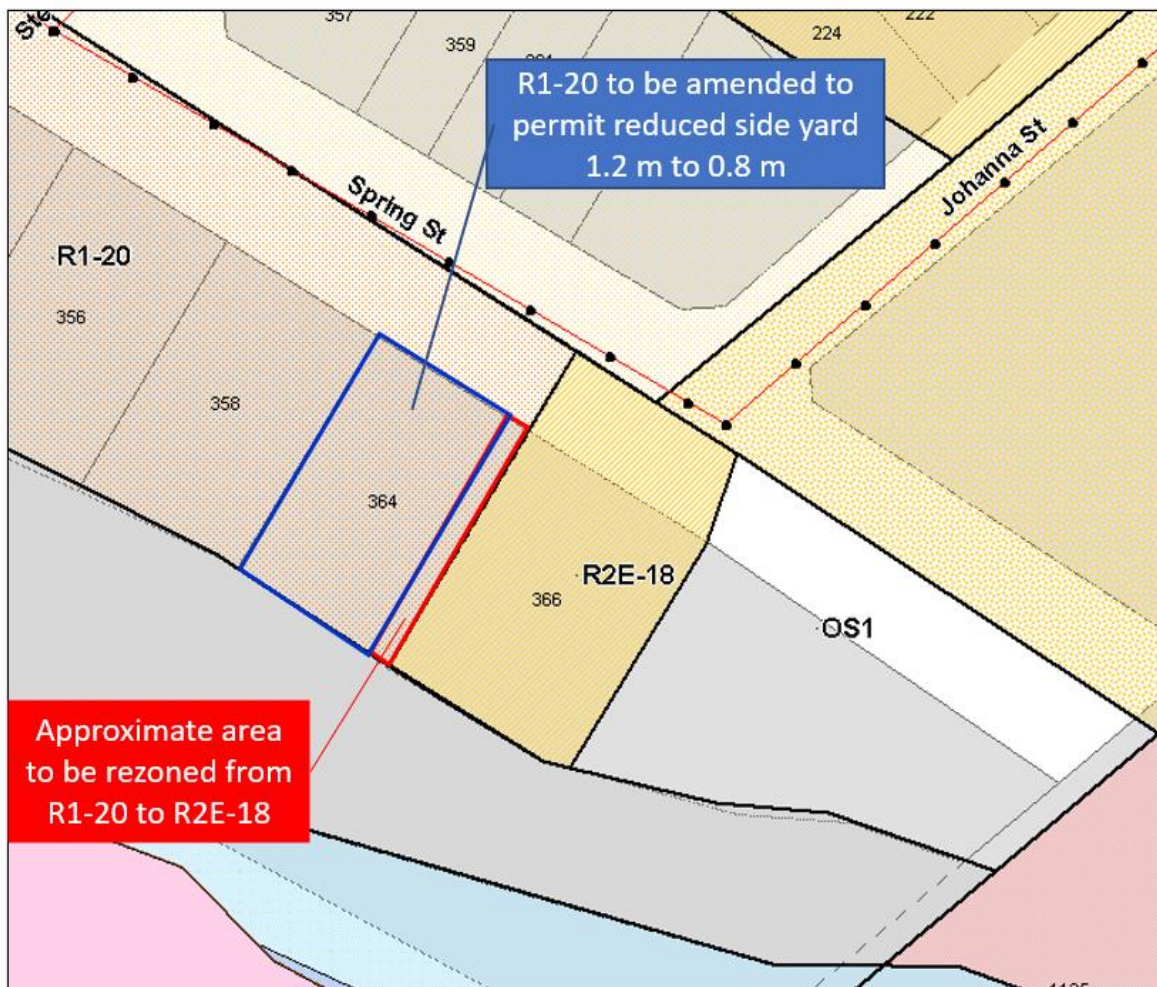
### **PURPOSE AND EFFECT:**

The purpose of the Zoning By-law Amendment is to rezone a small portion of the lot from a site-specific Residential Type 1 (R1-20) zone to a site-specific Residential Type 2 (R2E-18) zone as a result of a small lot addition from Lot 67 (364 Spring) to Lot 68 (366 Spring) and to amend the existing performance standards for the R1-20 zone (retained lot) to reduce the required interior side yard from 1.2 metres to 0.80 metres.

### **DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:**

The subject property is located on the south side of Spring Street in Almonte. The property is immediately surrounded by low density residential uses to the north and west, and by the Mississippi River and open space to the south and east.

**Figure 1**



### **SERVICING & INFRASTRUCTURE:**

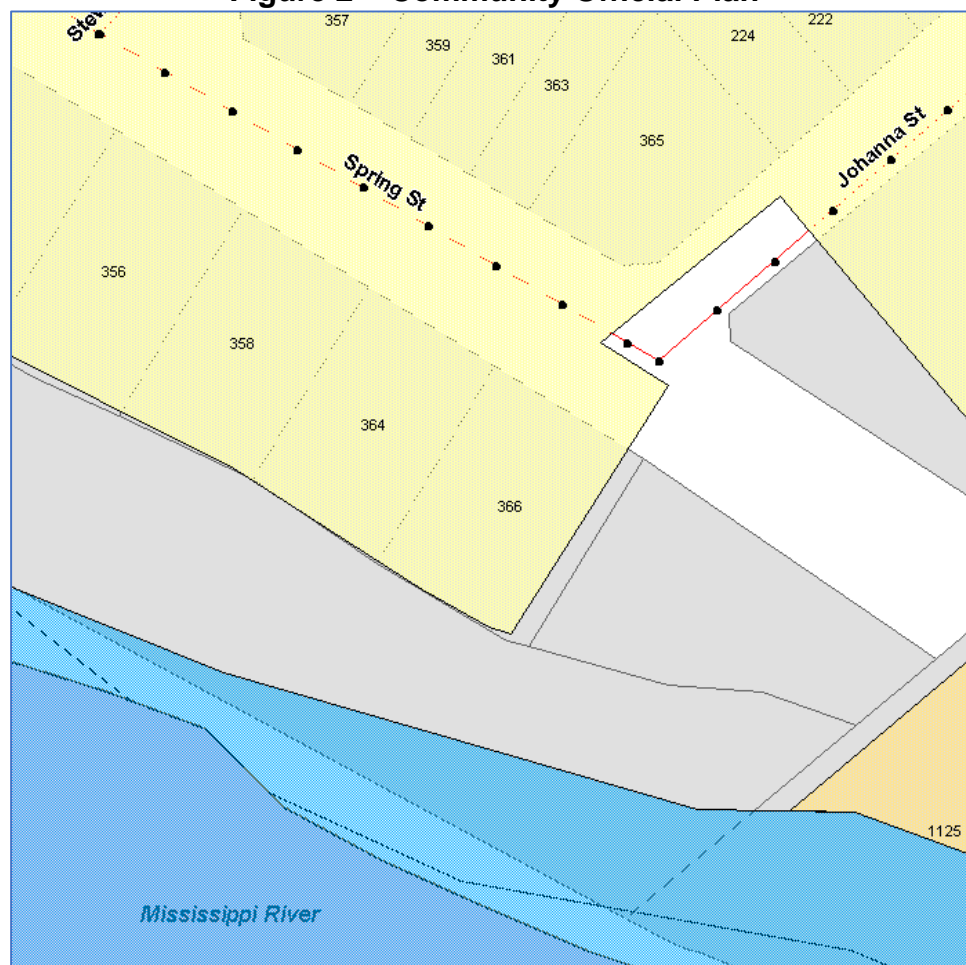
Both lots are on full municipal services – there are no required or proposed changes to servicing as a result of the application. No additional parking is required for this proposed development.

Staff do not foresee any servicing or infrastructure concerns resulting from the proposed Zoning By-law Amendment.

### **COMMUNITY OFFICIAL PLAN (COP):**

The subject property is designated as Residential in the Municipality's Community Official Plan (COP).

**Figure 2 – Community Official Plan**



### **ZONING BY-LAW #11-83:**

As illustrated in Figure 1, the subject property is zoned Residential Second Density Zone, Subzone E, Special Exception 18 (R2E-18) as per Comprehensive Zoning By-law #11-83. The R2E-18 Zone permits a semi-detached dwelling.

Section 14.4.18 of the Zoning By-law allows for minimum front yard setback of 3 metres and minimum side yard setback of 1 metre. The construction error resulted in a side yard setback of 0.81 metres and a front yard setback of 2.88 metres.

The small portion of land to be severed from 364 Spring Street is zone Residential Type 1 (R1-20), which is a different zone than the lot at 366 Spring Street (R2E-18) and as such will need to be appropriately rezoned to the R2E-18 zone.

### **PUBLIC AND AGENCY COMMENTS RECEIVED:**

Staff circulated the application in accordance with the provisions of the Planning Act to the public, internal departments and external agencies and organizations. At the time of preparation of this report, the following comments were received:

#### **Internal Departments**

- No objections were received.

#### **External Agencies**

- No objections were received.

#### **Public Comments**

One public comment was received by a member of the public which is contained in Attachment B along with Staff's Response.

### **EVALUATION:**

#### **Provincial Policy Statement (PPS) 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act*, all planning decisions must be consistent with the PPS.

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

#### **Community Official Plan (COP)**

Staff are of the opinion that the proposed Zoning By-law Amendment is in conformity with the applicable policies of the COP. The Residential Designation of the Official Plan permits a range of residential uses including single and semi-detached dwellings. While the Official Plan provides policies for the Residential Designation, it is silent on specific setbacks of residential dwellings because performance standards such as setbacks are one of the roles of the Zoning By-law.

As previously mentioned, the Zoning By-law Amendment is addressing site specific setbacks and alignment of the R2E-18 zone with a conditionally approved lot addition. No new residential uses are being proposed and as such the Zoning By-law Amendment conforms with the intent of the Residential Designation of the Official Plan.

## **Zoning By-law #11-83**

As previously mentioned, the uses on the subject properties conform to the Community Official Plan policies.

The Zoning By-law permits uses on a property-by-property basis and provides a range of required performance standards such as setbacks, lot coverage and building height. The purpose of a side yard setback is to provide an appropriate building setback to accommodate necessary on-site grading and drainage as well as access to the side yard for property and building maintenance and access to the rear yard.

The requested reduction in the side yard setback for the property at 364 Spring Street from 1.2 metres to 0.8 metres, is appropriate to facilitate the construction of a single detached dwelling. During the building permit review process, the review of the grading and drainage for the property will be completed. The requested reduction in side yard setback allows for sufficient space for property maintenance and access. It is noted that the requested reduction only applies to the southerly side yard setback and the northerly side yard setback will remain at 1.2 metres.

### **SUMMARY:**

Having reviewed and assessed the proposed Zoning By-law Amendment application, Staff are satisfied that the proposal is consistent with the Provincial Policy Statement 2020, conforms to the intent of the Community Official Plan and conforms to the intent of Zoning Bylaw #11-83.

It is the professional opinion of the Planning Department that the proposed Zoning By-law Amendment is appropriate, desirable and represents good planning.

All of which is respectfully submitted by,      Approved by,



---

Melanie Knight, MCIP RPP  
Senior Planner



---

Ken Kelly  
CAO

### **ATTACHMENTS:**

1. Attachment A – Applicant's Survey Sketch
2. Attachment B – Public Comments and Staff Response
3. Attachment C – Proposed Zoning By-laws