

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, November 18th, 20020 at 5:30 p.m.
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-14-20 (D13-CAD-20)**
Plan 6262, McIntosh Section, Lots E & F
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 77 Little Bridge Street
OWNER/APPLICANT: Paul Cadieux & Catherine Wright-Cadieux

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Plan 6262, McIntosh Section, Lots E & F, Almonte Ward, Municipality of Mississippi Mills, municipally known as 77 Little Bridge Street, to permit the conversion of a ground floor commercial unit to a residential apartment dwelling unit in the C2 Zone with a maximum residential density of 3 units, subject to the following conditions:

- 1. That the Minor Variance are approved based on the plans submitted;**
- 2. That no changes to the exterior of the building are required for the proposed residential dwelling unit unless otherwise required by the Ontario Building Code, and**
- 3. That the Owners obtain all required building permits and approvals for the change of use.**

PURPOSE AND EFFECT

The owner/applicant is requesting relief from the maximum density provision of Section 7.3.2 to permit the conversion of a commercial unit to a residential dwelling unit on the ground floor of a non-residential building in the Downtown Commercial (C2) Zone. The maximum density permitted based on the total lot size of 385.5m² (4,150ft²) is 2.81, whereas a maximum density of 3 units is requested. The Minor Variance request is outlined below.

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

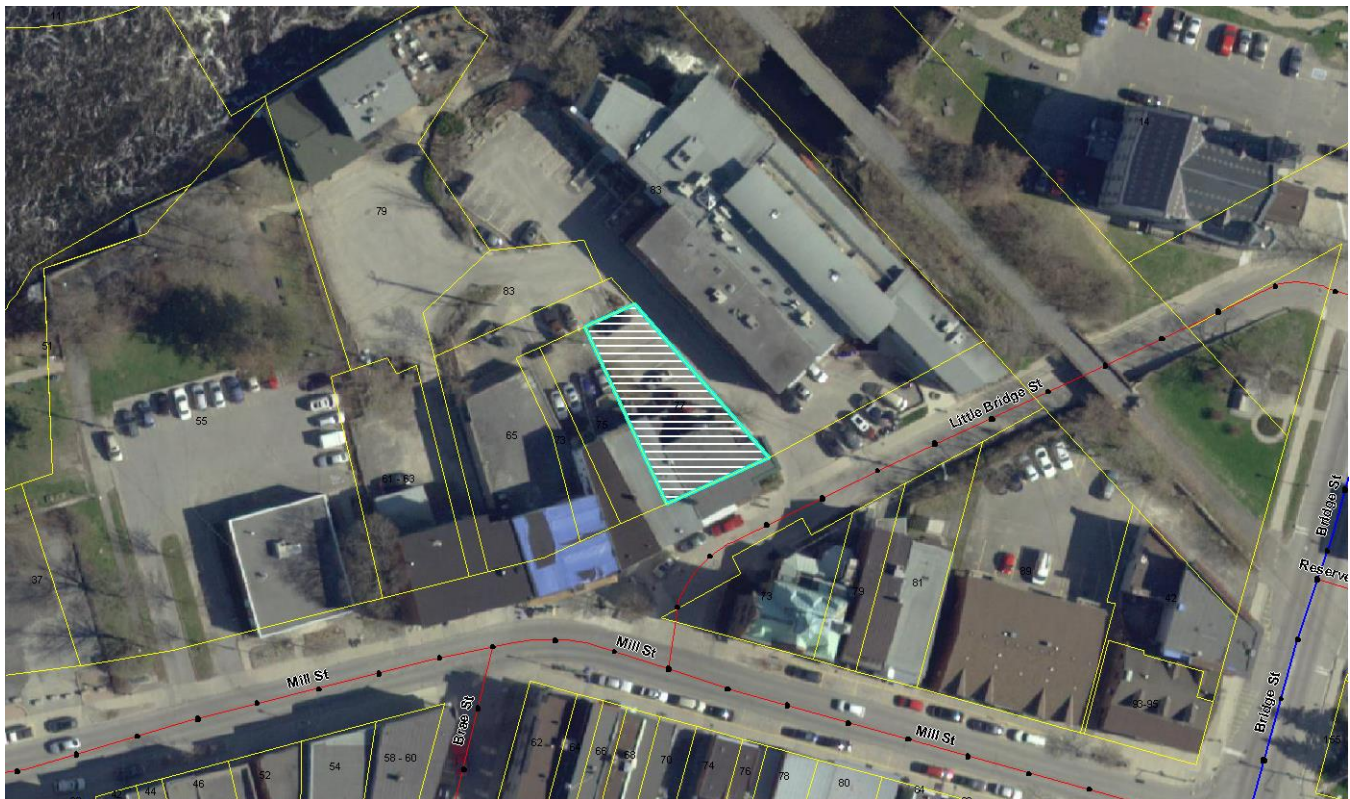
Section	Zoning Provision	By-law Requirement	Requested
7.3.2	Accessory Dwelling Unit Contained Within a Non-Residential Building	The maximum density for residential dwellings in a non-residential building shall be one dwelling unit per 137 m ² (1475 ft ²)	Permit a maximum density of 3 units where 2.81 is permitted based on a total lot size of 385.5m ² (4,150ft ²)

		when on full municipal services and 200 m ² (2153 ft ²) when on partial or private services.	
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DESCRIPTION OF SUBJECT LANDS

The subject property is located on Little Bridge Street in Almonte Ward within the Downtown Commercial zone. The entire property is $\pm 385.5\text{m}^2$ (4,150ft²) in size with frontage of $\pm 17.4\text{m}$ (57.0ft). The property is presently occupied by a non-residential building with three ground floor commercial units and two residential dwelling units in the upper storey of the building. A sketch of the ground floor is included in Schedule A. The property is generally surrounded by commercial and accessory residential and medium density residential uses. The location of the subject property is depicted in the following aerial photo:

Figure 1 – Aerial Photo of Property (2014)



SERVICING & INFRASTRUCTURE

The subject property is serviced by municipal water and sewage. Municipal infrastructure demands would not change as a result of the application.

Parking on the property is located to the rear of the building and accessed by an easement over 83 Little Bridge Street (Thoburn Mills). The applicant has indicated that one parking spot

will be provided for the proposed dwelling unit which meets the minimum requirement of one parking space (rounded up from 0.5 spaces) per dwelling unit within a building containing other uses.

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.

Acting Clerk: No comments received.

CBO: The Building Department would recommend that a condition of approval of the minor variance is that the applicant obtain a building permit (change of use or otherwise) from the Chief Building Official.

Fire Chief: No comments received.

Acting Director of Roads and Public Works: Based on the existing configuration Public Works does not object at this time. Please reconsult if there is any change in the information provided.

Recreation Coordinator: No concerns.

Councillor Guerard requested confirmation of the required number of parking spaces and the available parking on site. The applicant has confirmed that one off-street parking space is available for the proposed residential dwelling unit, which would meet the requirement for one spot (rounded up from 0.5 per dwelling unit in a building with other uses).

COMMENTS FROM EXTERNAL AGENCIES

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

COMMENTS FROM THE PUBLIC

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

EVALUATION

FOUR TESTS

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

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

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

The following provides an analysis of the proposed variances against the relevant Downtown Commercial policies of the COP:

3.7.2.1 Permitted Uses

On lands designated as "Downtown Commercial" permitted uses shall serve the whole of the Municipality's market area. Such uses include:

- ii) residential uses, in the form of apartments above or behind the principal commercial use of the building, and providing that residential uses on the ground floor do not exceed 50% of the total gross floor area of the ground floor;

3.7.2.2 Downtown Commercial Policies

1. The Plan shall provide for commercial and accessory residential intensification and infilling within the lands designated Downtown Commercial as a means of creating a compact downtown commercial core.

The intent of the policy 3.7.3.1(ii) requiring apartments in upper storeys and to the rear of commercial uses is to ensure that the streetscape of commercial and retail storefronts is maintained and visually uninterrupted by other uses, enhancing the commercial nature of the street. The proposed dwelling unit would be located in an existing commercial unit with frontage along Little Bridge Street. Given the existing configuration of the commercial units on the ground floor, locating the residential unit behind the commercial use of the building is not proposed.

Interior renovations to convert the commercial unit into a residential dwelling unit are not expected to create any changes to the exterior façade of the building. Additionally, the commercial unit has primarily been used as an office and does not have a retail storefront or contain significant signage indicating the commercial use. Provided that exterior changes to the existing façade are not required as part of the conversion, the residential use would continue to maintain the existing streetscape on Little Bridge Street and would not detract from the commercial nature of the street. The ground floor of the building will otherwise maintain 50% for commercial uses.

The proposed conversion would also meet policy 3.7.2.2.1 for residential intensification in the downtown commercial zone to facilitate a compact downtown commercial core.

Given the above analysis, Staff is of the opinion that the requested variance maintains 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 owner/applicant is requesting permission

convert an existing commercial unit to a residential dwelling unit with a maximum density of 3 units where 2.81 units is otherwise permitted under Section 7.3.2 of the Zoning By-law.

The C2 zone permits dwelling units in accordance with Section 7.3.2 as follows:

7.3.2 Accessory Dwelling Unit Contained Within A Non-Residential Building
No person shall use any part of a non-residential building as an accessory dwelling unit except in accordance with the following provisions:

- a) Minimum setbacks and yards shall be provided in accordance with the minimum setback and yard provisions for the non-residential building or structure in which the dwelling unit is located.
- b) The minimum dwelling unit area shall be 46 m2 (495 ft2) plus 9.5 m2 (102 ft2) for each bedroom.
- c) The minimum landscaped open space shall be 15 m2 (161 ft2) per dwelling unit.
- d) The minimum landscaped open space provision shall not apply to dwelling units in a portion of a non-residential building provided that all dwelling units have access to a private balcony or to an open roof deck with an area of not less than 5 m2 (53 ft2) per unit.
- e) The maximum density for residential dwellings in a non-residential building shall be one dwelling unit per 137 m2 (1475 ft2) when on full municipal services and 200 m2 (2153 ft2) when on partial or private services.

The intent of the provisions of Section 7.3.2 is to ensure that there is sufficient space on a property to accommodate accessory residential uses and to minimize potential negative impacts and land use conflicts on the non-residential use and adjacent properties. Given that a density of 2.81 is permitted on the subject property based on a total property size of 385.5m², the proposed increase in density to 3 units is minor and generally maintains the intent of the density provision. The applicant has indicated the front veranda will be reserved for use by the residential tenant as per Section 7.3.2(d). The proposal meets all other provisions of Section 7.3.2.

Section 9 of the Zoning By-law dictates minimum parking space rates:

TABLE 9.2 – MINIMUM PARKING SPACE RATES

I LAND USE	Minimum Number of Parking Spaces Required
	II Almonte
Uses Related – Residential	
Converted dwelling, Dwelling Units, in the same building with other uses	0.5 per dwelling unit

The minimum required parking space is 0.5 per dwelling unit for dwelling units in the same building with other uses, rounded up for a total of 1 required parking space. The applicant has indicated that five (5) off-street parking spaces are available at the rear of the subject property and that one (1) parking space is available for the proposed residential dwelling unit. As such, the proposal meets the minimum parking space requirements as per Section 9 of the Zoning By-law.

Given the above, Staff is of the opinion the requested relief maintains the general intent of Zoning By-law #11-83.

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

The proposed variance would permit the conversion of a commercial unit into an accessory residential dwelling unit. While the proposed dwelling unit would remove a commercial unit from the building and from the greater downtown commercial area, the ground floor of the building will maintain a minimum of 50% floor space for commercial use and provides flexibility for the owners to provide a commercial or residential unit based on market demand. The addition of the proposed residential dwelling unit is considered to be appropriate intensification and generally consistent with the permitted density for accessory residential uses. As such, conversion of the commercial unit to an accessory residential dwelling unit is considered an appropriate and logical form of development.

4. Is the proposal minor?

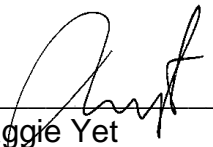
The proposal would permit a third residential dwelling unit in a non-residential building in the C2 zone, where a maximum density of 2.81 is otherwise permitted. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties or visual or character impacts on the commercial streetscape. As such, Staff consider the qualitative value of the requested reliefs to be minor in nature.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variances would allow the owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-14-20 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;**
- 2. That no changes to the exterior of the building are required for the proposed residential dwelling unit unless otherwise required by the Ontario Building Code, and**
- 3. That the Owners obtain all required building permits and approvals for the change of use.**

All of which is respectfully submitted by,


Maggie Yet

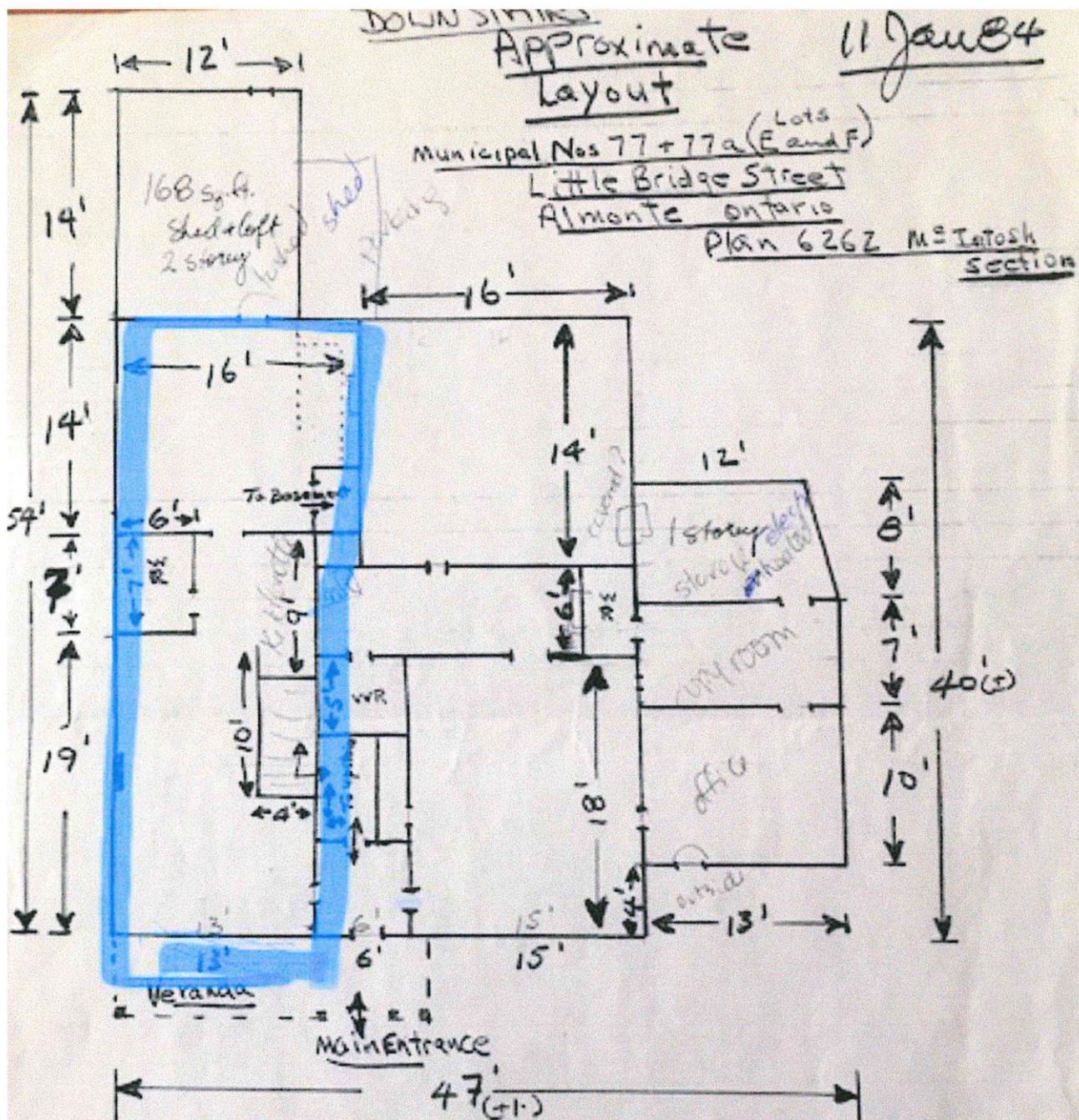
Planner 1

ATTACHMENTS:

SCHEDULE A – Ground Floor Plan

SCHEDULE B – Site Photo

Schedule A Ground Floor Plan



(A) → Main Floor Area = $(40' \times 34') + (25' \times 13') + (\cancel{58' \times 12'} + 12' \times 14')(2)$
 $= (1360)' + (325)' + (168)'(2)$
 $= (1685)' + (336)' \text{ Square Feet}$

(B) Second Floor Area = 1685 m^2 (Two Rpts)

(c) Total area = $3370 \text{ m}^2 + \text{shd } (356 \text{ m}^2)$

Schedule B Site Photos

Front of building



Parking at rear of building

