

# **THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

## **STAFF REPORT**

**MEETING DATE:** April 29, 2024

**TO:** Committee of Adjustment

**FROM:** Gillian Bentley, Planner

**SUBJECT:** Minor Variance Application – D13-GAL-24  
Pakenham Concession 9, Part of Lot 13, Parts 18 to 21 of  
Reference Plan 26-R6, Part 2 of Reference Plan 27R-10985  
Pakenham Ward, Municipality of Mississippi Mills  
Municipally Known as 126 Davison Crescent

**OWNERS/APPLICANTS:** Michael and Catherine Gallagher

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### **RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance application affecting the subject lands which are legally described as Pakenham Concession 9, Part of Lot 13, Parts 18 to 21 of Reference Plan 26-R6, Part 2 of Reference Plan 27R-10985, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 126 Davison Crescent, in order to construct a sunroom addition, subject to the following conditions:**

- 1. That the following requested Minor Variance to Zoning By-law #11-83 is approved:**
  - **To permit a sunroom addition with a front yard setback of 5.9 metres, whereas Section 18.2 requires a minimum front yard setback of 7.5 metres; and**
  - **That the front lot line be the arc of the cul-de-sac of Davison Crescent whereas Section 5 defines the front lot line as being the shortest lot line abutting a street.**
- 2. That the Owners obtain all required building permits and approvals for the construction of the sunroom addition, within two (2) years of the decision coming into full force and effect.**

### **PURPOSE AND EFFECT**

The subject property is zoned Limited Service Residential (LSR). The applicant is seeking relief to construct a sunroom addition with a reduced front yard setback of 5.9

metres whereas the minimum front yard setback is 7.5 metres in the LSR zone. For further clarity, Davison Crescent is a private road, and the front lot line is deemed to be the cul-de-sac.

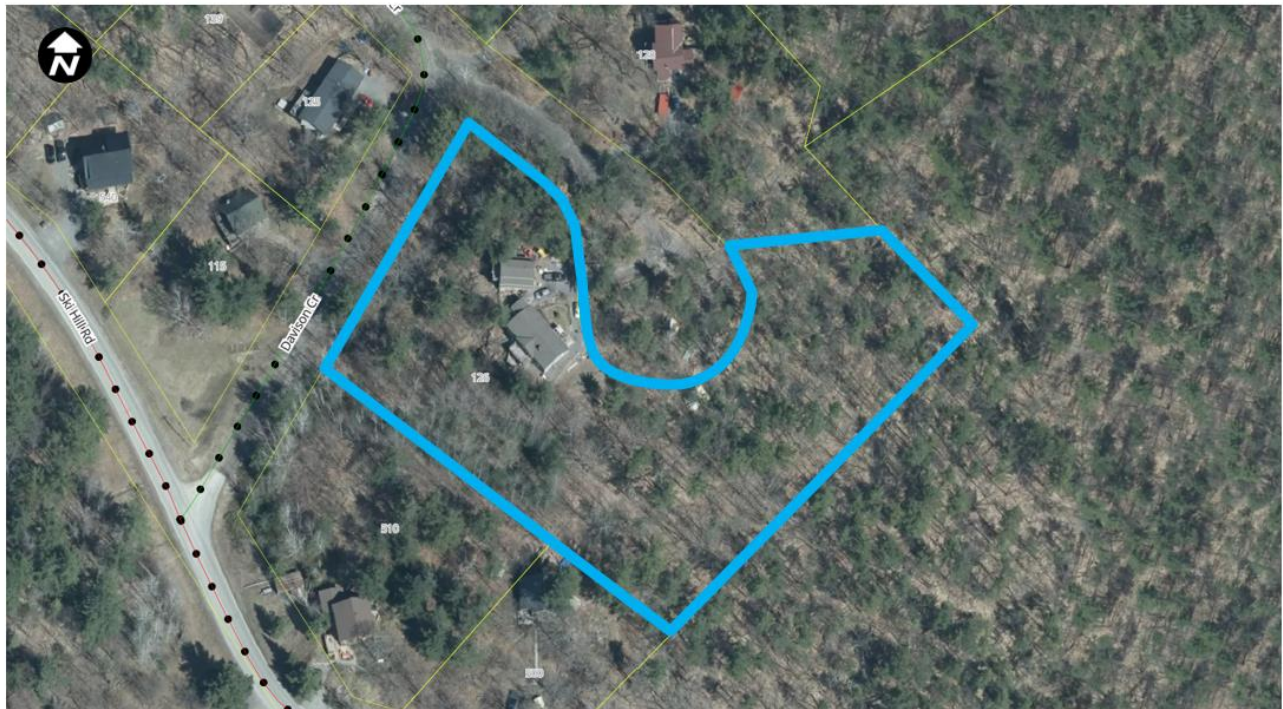
The Minor Variance request is outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
18.2	Front Yard, Minimum (m)	7.5	5.9

### **DESCRIPTION OF SUBJECT LANDS**

As illustrated in Figure 1, the subject property is an approximately 1.1-hectare lot, at the southeast end of Davison Crescent, just off Ski Hill Road in the Pakenham Ward, with a one-storey dwelling and two-storey detached garage. The subject property is part of a private road residential development consisting of small rural, non-farm residential lots and is surrounded by a mix of rural and non-farm residential uses, as well as the Pakenham Ski Hill to the west.



 Subject Property

**Figure 1 – Aerial Image of Subject Property**

## **PROPOSED DEVELOPMENT**

The applicant is proposing a sunroom addition and small deck to be constructed on the front of their dwelling. The sunroom addition has a front yard setback of 5.9 metres, projects 3.05 metres from the existing dwelling, and has a surface area of approximately 16.7 square metres. The deck is not part of the minor variance application because it complies with zoning provisions for permitted projections which require decks to be no closer than 3 metres from the front lot line.

## **SERVICING & INFRASTRUCTURE**

The subject property is currently serviced by a private well and septic system. No servicing changes have been proposed.

Staff do not foresee any servicing or infrastructure concerns resulting from the proposed development.

## **COMMENTS FROM CIRCULATION OF THE APPLICATION**

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, no questions or comments were received.

## **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 in the Community Official Plan (COP). The COP permits a variety of rural and residential uses that allow owners to enjoy their property while ensuring that the rural character of the area is maintained.

Staff are of the opinion that the requested variance is in conformity with 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 Limited Service Residential (LSR). The proposal is for relief from the front yard setback in the LSR zone. In the Zoning By-law, additions are subject to specific zoning provisions and setback requirements, where the intent of the front yard setback is to ensure that structures and projections are a reasonable distance from roads, common spaces, and local infrastructure. As Davison Crescent is a private road and the cul-de-sac has only one other lot fronting onto it, this minor variance for a reduced front yard setback will not have a noticeable impact on the surrounding lands or streetscape.

With respect to the determination of the front lot line, the subject property has frontage on two sides of Davison Crescent – the easterly side of Davison Crescent as well as a majority of the arc of the cul-de-sac. For clarity and the purposes of this minor variance application, staff have considered the arc of the cul-de-sac as the front lot line and have included this as part of the recommendation.

Staff are of the opinion that the requested variance is in conformity with the general intent and purpose of the Zoning By-law.

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

The proposed variance allows for the creation of a sunroom and deck that can be enjoyed by the owners of the property and will not disrupt the ability of neighbouring residents to enjoy their properties. The subject property is in a rural, wooded area with the nearest house being approximately 70 metres away. The size of the subject property, the placement of the dwelling and the addition of a sunroom to the front of the dwelling is generally compatible with the neighbouring context and would allow the property owners to maximize the use and enjoyment of their property with no foreseeable impacts to neighbouring properties.

Staff are of the opinion that the requested variance represents appropriate and desirable development of the lands in question.

### **4. Is the proposal minor?**

The proposal slightly varies the front yard setback to an extent that will not have any foreseeable impacts on the surrounding area. Reducing the front yard setback from 7.5 metres to 5.9 metres is minor, especially considering that the front lot line of the subject property abuts the cul-de-sac of Davison Crescent, a private road, which is used by residents and visitors. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties as the proposed form is largely reflective of the existing area.

Staff are of the opinion that the qualitative value of the requested variance is minor in nature.

## **CONCLUSION**

Overall, Staff support the Minor Variance application. Allowing a reduced front yard setback for the sunroom addition will allow the owners to maximize their enjoyment of the property while ensuring that the intent of the Zoning By-law is still satisfied.

Therefore, Staff are of the opinion that Minor Variance Application D13-GAL-24 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 additional conditions not contained in this report.

All of which is respectfully submitted by,

Reviewed by,



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Gillian Bentley  
Planner



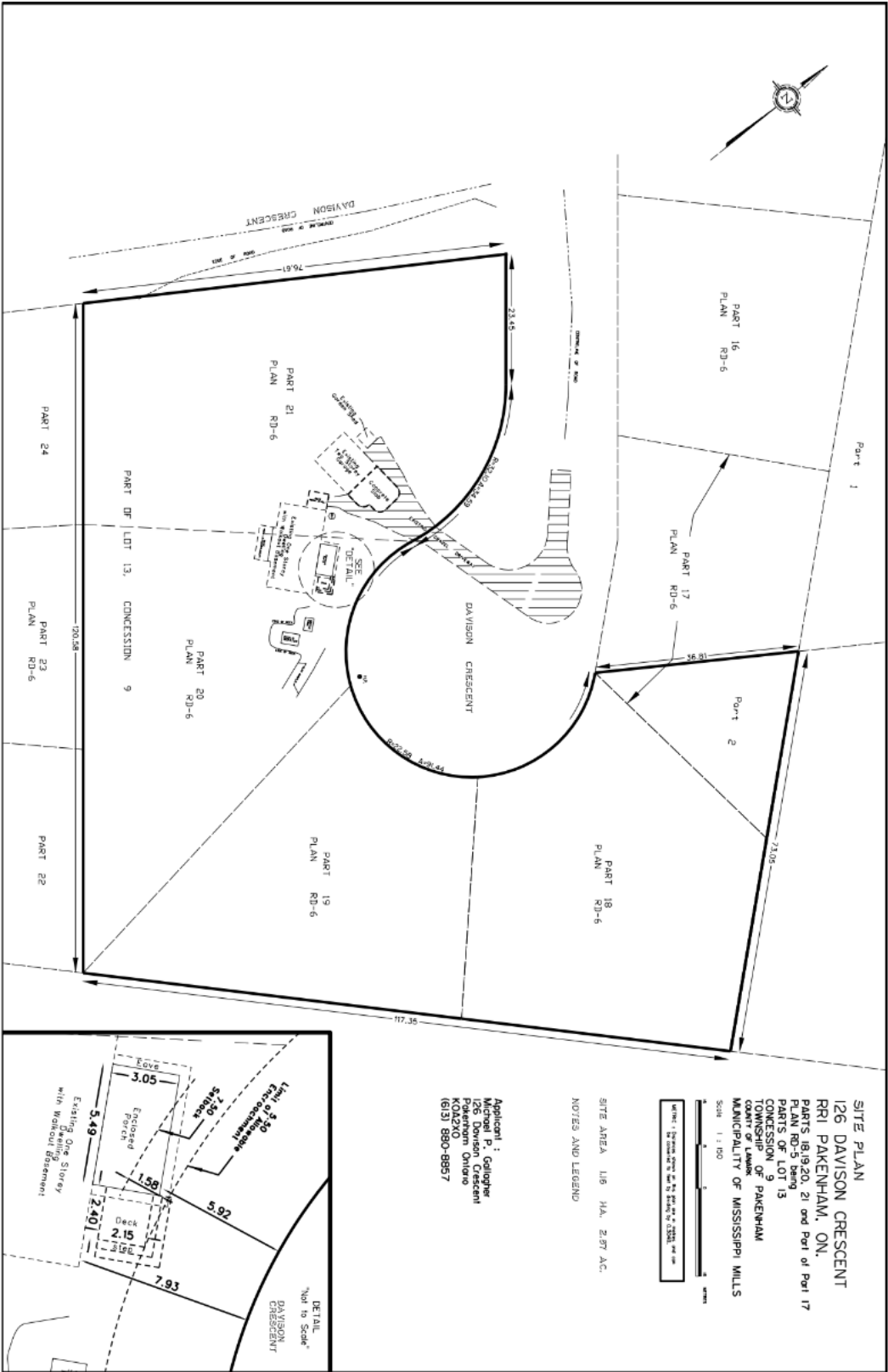
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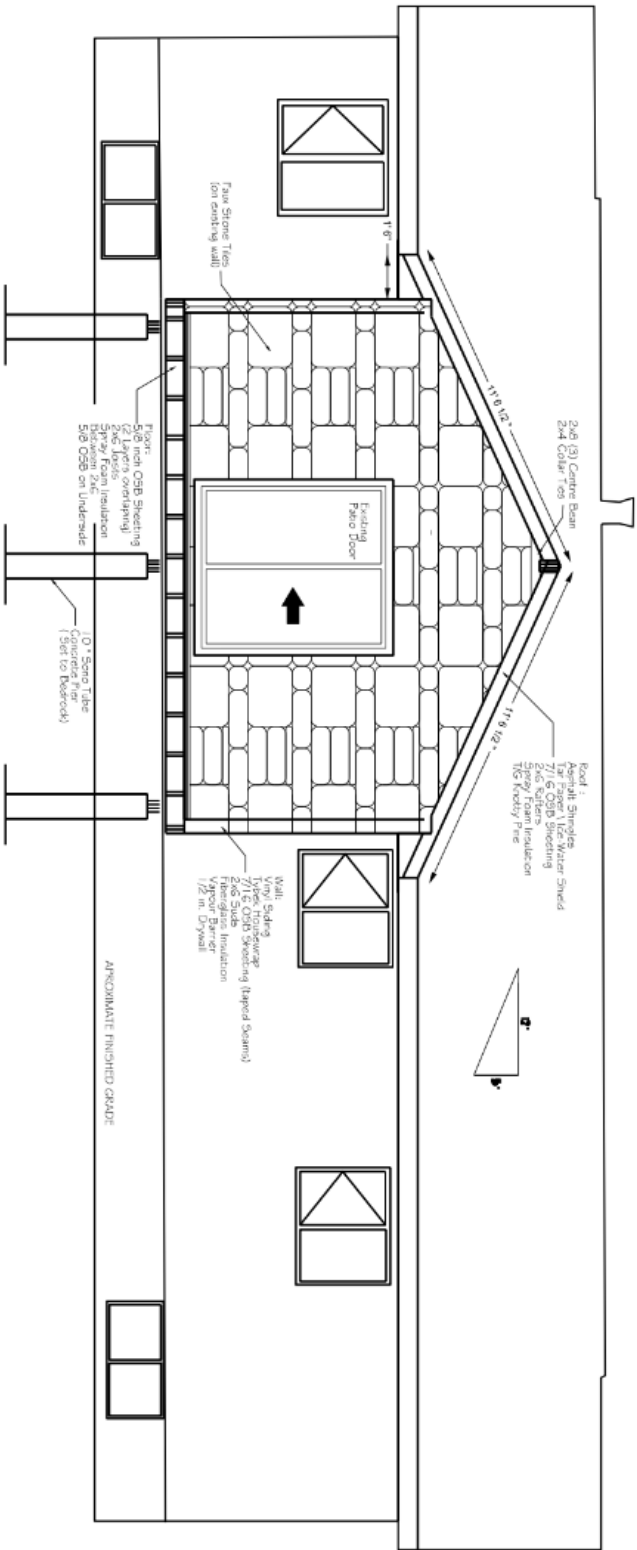
Melanie Knight MCIP, RPP  
Director of Development Services and  
Engineering

## **ATTACHMENTS:**

1. SCHEDULE A – Site Plan & Drawings

SCHEDULE A – Site Plan & Drawings





1 NORTH WALL @ HOUSE  
1/4" = 1'-0"

# 3 Season Sun Porch

OWNER:		DRAWING TITLE:		DATE(Y/M/D):		PROJECT:		SHEET NO.: <b>A1</b>
Michael Gallagher		NORTH WALL @ HOUSE		04/04/2022		Sun Porch		
125 Boston Crescent		DRAWN BY:		SCALE:				
Pawtucket, Rhode		LOT NO.:		SCALE:				
125 BOSTON CRESCENT PAWTUCKET, RI 02860		T. Gallagher						
125 BOSTON CRESCENT PAWTUCKET, RI 02860								