

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: July 29, 2024

TO: Committee of Adjustment

FROM: Gillian Bentley, Planner

SUBJECT: **Minor Variance Application – D13-JON-24
Pakenham Concession 1, Part of Lot 24
Pakenham Ward, Municipality of Mississippi Mills
Municipally Known as 400 Baynes Bay Road**

OWNER: Remi and Melita Jones

APPLICANT: Remi and Melita Jones

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 1, Part of Lot 24, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 400 Baynes Bay Road, in order to construct an accessory structure, subject to the following conditions:

- 1. That the following requested Minor Variance to Zoning By-law #11-83 is approved:**
 - To construct an approximately 85 m² accessory building in the Limited Service Residential (LSR) zone, whereas Table 6.1A(6) of the Zoning By-law requires the maximum cumulative area of all accessory buildings combined to be no more than 55 m² in the LSR zone.**
- 2. That the Owners obtain all required building permits and approvals for the construction of the accessory building, within two (2) years of the decision coming into full force and effect.**

PURPOSE AND EFFECT

The applicant is seeking relief to construct an approximately 85 m² accessory building (approximately 8.53 m x 9.75 m) on the subject property, which is split-zoned Limited Service Residential (LSR) and Environmental Protection (EP), whereas Table 6.1A(6) of the Zoning By-law requires the maximum cumulative area of all accessory buildings combined to be no more than 55 m² in the LSR zone. The subject property does not

currently have any other accessory buildings, and as such the total combined area of all accessory buildings is 85 m².

The Minor Variance request is outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
Table 6.1A(6)	Maximum cumulative area of all accessory buildings combined	The lesser of 55 m ² or 50% of the area of the yard in which they are located	85 m ²

DESCRIPTION OF SUBJECT LANDS

The subject property is a 7.66-hectare, irregularly shaped waterfront lot located on the southwestern edge of the Municipality, on White Lake. There is an existing single detached dwelling on the subject property.

Figure 1 shows an aerial image of the subject property.

Figure 1 – Aerial Image of Subject Property



PROPOSED DEVELOPMENT

The Owners are proposing to construct an accessory building that is approximately 8.53 x 9.75 metres, to the north of the existing dwelling. While exact setbacks have not been determined at this time, the proposed location of the accessory building is sufficiently setback from lot lines and the nearest highwater mark. Please refer to the Site Plan in Attachment A.

The property was rezoned in 2021 (Z-08-21), and the applicant entered into a Site Plan Agreement (D11-JON-21) with the Municipality to facilitate the construction of a dwelling. At the time of these planning applications an Environmental Impact Statement (EIS) was submitted that included the proposed accessory structure; however, the applicant was not proposing to build the structure at that time. Figure 2 of the Grading Plan on page 10 of the EIS illustrates the proposed accessory structure. The Site Plan Agreement also references the EIS and implements the recommendations of the EIS. As a result, Staff are of the opinion that there is no need to amend the existing Site Plan Agreement.

SERVICING & INFRASTRUCTURE

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

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 Rural designation permits a variety of rural, agricultural, and residential uses including dwellings and accessory buildings. 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 split-zoned Limited Service Residential (LSR) and Environmental Protection (EP) in the Zoning By-law. The LSR zone permits limited-service residential development and accessory uses in the Rural designation. The intent of the provision for maximum cumulative area of accessory buildings is to ensure that they remain accessory to the primary dwelling. The subject property currently does not have any other accessory buildings, other than the proposed. The EP zone restricts development and does not permit residential or accessory uses. The proposed accessory building will not be located within the EP zone.

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 development is desirable and is appropriate development for the subject property. The proposed accessory building represents a logical form of development at a reasonable size and scale which is generally compatible with the subject property and the surrounding area. There are no further developments proposed which would further increase the combined lot coverage of accessory structures. The proposed development will allow the owners to make use of their space without impacting the natural features, or the rural character of the property and surrounding area.

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 proposed development represents a modest change to the subject property and a minor increase to the maximum cumulative area of accessory buildings on a lot. There are no other accessory buildings located on the subject property or proposed after the development of this accessory structure. The requested minor variance is qualitatively minor in nature and is deemed unlikely to present any adverse impacts to the property or adjacent properties.

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. The variance would allow the owners to develop an accessory structure to maximise their use of their property with non foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application D13-JON-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,



Gillian Bentley
Planner

Melanie Knight MCIP, RPP
Director of Development Services and
Engineering

ATTACHMENTS:

1. SCHEDULE A – Site Plan

