

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-WOO-24
Concession 10, Part of Lot 16, Part 1 of Part 1 on
Reference Plan 26R171
Pakenham Ward, Municipality of Mississippi Mills
Municipally Known as 396 Barr Side Road**

OWNER: John and Sharon Woodbeck

APPLICANT: John and Sharon Woodbeck

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance application affecting the subject lands which are legally described as Concession 10, Part of Lot 16, Part of Part 1 on Reference Plan 26R171, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 396 Barr Side Road, in order to install a pre-manufactured shed, subject to the following conditions:

- 1. That the following requested Minor Variance to Zoning By-law #11-83 is approved:**
 - To construct a shed with a minimum interior side yard setback of 1.5 metres, whereas Table 6.1A(3)(i) of the Zoning By-law requires an accessory building to have a minimum interior side yard setback of 6 metres in the Rural (RU) zone.**
- 2. That the Owner/Applicant obtain all required building permits and approvals within two years of the decision coming into full force and effect.**

PURPOSE AND EFFECT

The applicants are seeking relief to construct a shed with a minimum interior

side yard setback of 1.5 metres, whereas Table 6.1A(3)(i) of the Zoning Bylaw requires and accessory structure to have a minimum interior side yard setback of 6 metres in the Rural (RU) zone. 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(3)(i)	Minimum Side Yard Setback in an Interior Side Yard	Same as required for principal building (6 metres in RU Zone)	1.5 metres

DESCRIPTION OF SUBJECT LANDS

The subject property is a 0.97-hectare parcel located at the western corner of Barr Side Road and Waba Road. It is a non-farm residential lot currently zoned Agricultural (A), with some residential uses and mainly agricultural uses in the surrounding area. 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 a pre-manufactured shed on the subject property next to the existing house for storage purposes. The shed is constructed off-site, is 10 feet wide and 24 feet long (3 m x 7.3 m), has received engineering approval

and is to be installed on a concrete pad approximately 10.6 metres to the west of the existing dwelling.

SERVICING & INFRASTRUCTURE

The subject property is 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, one comment was received from a neighbour in support of the minor variance.

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 “Agriculture” in the Community Official Plan (COP). The intent of the Agricultural designation is to permit a variety of agricultural, rural and non-farm residential uses including single detach dwellings and accessory structures.

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 Agricultural (A). The A zone permits a variety of agricultural, rural and non-farm residential uses including accessory structures. The zoning provisions for accessory structures when located in the side yard, next to the dwelling, requires these structures to meet the side yard setbacks required for the principal dwelling. In the A zone, this setback is 6 metres. The purpose of interior side yard setbacks is to provide setbacks which are consistent within the context of the area, provide access to rear yards, as well as sufficient areas for grading and drainage. The accessory building on the subject property is located such that access to the rear yard is

not restricted and as the land is generally flat, staff anticipate no issues with grading and drainage.

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 construction of an accessory building that can be utilized by the property owners and will not disrupt the ability of neighbouring residents to enjoy their properties as well. The nearest neighbour who would be most affected by the construction has expressed no concerns with the proposed location of the shed. The dimensions and placement of the structure are 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 interior side yard setback to an extent that will not have any foreseeable impacts on the surrounding area. In this case, reducing the interior side yard setback from 6.0 metres to 1.5 metres is minor as the subject property and the neighbouring lot are separated by a row of trees along the shared lot line. This minimizes impacts of the shed being located closer to a neighbouring property than the Agricultural (A) zone normally permits. Analysis of the proposal has concluded that it is unlikely to present adverse impacts on the 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. Allowing a reduced interior side yard setback for an accessory structure 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-WOO-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,



Gillian Bentley
Planner

Reviewed by,



Melanie Knight MCIP, RPP
Director of Development Services and
Engineering

ATTACHMENTS:

1. SCHEDULE A – Site Plan

SCHEDULE A - Site Plan

