

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: December 16, 2024

TO: Committee of Adjustment

FROM: Gillian Bentley, Planner

SUBJECT: **Minor Variance Application – D13-DEV-24
Plan 6262, Part of Lot 19 of the Henderson Section, Part of
Lots 13 and 14 of Anderson Section, Part 1 of Reference
Plan 27R6310 and Part 2 of Reference Plan 27R9062
Almonte Ward, Municipality of Mississippi Mills
Municipally Known as 169 Country Street**

OWNER: Rachel Devenport

APPLICANT: ZanderPlan Inc.

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance application affecting the subject lands which are legally described as Plan 6262, Part of Lot 19 of the Henderson Section, Part of Lots 13 and 14 of Anderson Section, Part 1 of Reference Plan 27R6310 and Part 2 of Reference Plan 27R9062, Almonte Ward, Municipality of Mississippi Mills, municipally known as 169 Country Street, in order to satisfy a condition of Consent application D10-DEV-24, subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-law #11-83 are approved:**
 - A reduced lot frontage of 8.12 metres on the lot to be severed, whereas the required minimum lot frontage for a single detached dwelling is 18 metres in the Residential Second Density, Special Provision 9 (R2-9) zone.**
 - A reduced rear yard setback of 0.3 metres on the lot to be retained, for an existing accessory structure, whereas the minimum required rear yard setback for an accessory structure is 1.2 metres in the R2-9 zone.**
 - A reduced eaves setback of 0.04 metres on an existing accessory structure, on the lot to be retained, whereas the minimum required**

setback for eaves on an accessory structure is 0.3 metres in the R2-9 zone.

- 2. That the Owners obtain all required approvals and building permits within two (2) years of the decision coming into full force and effect.**

PURPOSE AND EFFECT

The applicant has requested the subject Minor Variances as a condition of Consent application D10-DEV-23 (B23-103).

The applicant is seeking relief to permit a reduced lot frontage of 8.12 metres on the severed lot, whereas the required minimum lot frontage is 18 metres for a detached dwelling in the R2-9 zone.

Additionally, the applicant is requesting relief to permit an existing accessory structure with a rear yard setback of 0.3 metres on the retained lot, whereas the minimum required rear yard setback for an accessory structure in the R2-9 zone is 1.2 metres, as well as a minimum eaves setback of 0.04 metres, whereas the minimum eaves setback for accessory structures is 0.3 metres.

The requested Minor Variances are outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
Table 13.2A	Lot Frontage, Minimum	18 metres	8.12 metres
Table 6.1A(4)	Minimum rear yard setback for accessory uses, buildings or structures	1.2 metres	0.3 metres
Table 6.19(2)	Eaves, troughs and gutters	Not closer than 0.3 metres to a lot line	0.04 metres

DESCRIPTION OF SUBJECT LANDS

The subject property is an irregularly shaped lot, located on the north side of Country Street, in between Bridge Street and Elgin Street, measuring approximately 1277.8 m² with 26.44 metres of frontage on Country Street. The property currently has a dwelling on the second floor of the garage, constructed in 2006, and a fourplex constructed in 1875 on the same lot, as well as a parking lot and two (2) accessory structures. Once the related Consent application is approved, the retained lot will contain the fourplex

and two (2) accessory structures. The retained lot will contain the garage with the dwelling. The parking lot is to be shared between the severed and retained lots.

Figure 1 shows an aerial image of the subject property.

Figure 1 – Aerial Image of Subject Property



PROPOSED DEVELOPMENT

No development is proposed as a result of the subject Minor Variance application or related Consent application.

SERVICING & INFRASTRUCTURE

The property is currently serviced by municipal water and sewer. No changes are proposed as a result of the subject Minor Variance application. However, as a condition of Consent, the lot to be severed is required to be serviced by separate municipal water and sewer. The Owner will be required to enter into a Development Agreement with the Municipality prior to any road cuts or servicing connections made.

It is the Municipality's understanding that an existing stormwater drainage system (catch basin and connections) is located on the lot to be severed. This shared stormwater system does not appear to be addressed by any private easements or registered agreements. The Municipality recommends that the Owner address this with the adjacent property owner and advises that, regardless of the lack of agreements or easements, the stormwater system needs to be monitored on a regular basis to ensure proper drainage for all properties draining into the stormwater system.

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 "Residential" in the Community Official Plan (COP). The Residential designation permits a variety of residential and accessory uses. The intent of this designation is to regulate development within the urban settlement area to establish and maintain a low and medium density residential development pattern. Principal dwellings are generally required to be located on separate lots, which is the intent of the related Consent application.

Staff are of the opinion that the requested variances are in conformity with the general intent and purpose of the COP.

2. Does the proposal maintain the intent of the Zoning By-law?

The property is zoned Residential Second Density, Special Provision 9 (R2-9) in the Comprehensive Zoning By-law 11-83. Zoning By-law Amendment Z-04-06, which created the R2-9 zone, was passed in 2006. The R2-9 zone permits the following:

"...a dwelling unit may be permitted in an accessory detached garage and further that a detached garage containing a dwelling unit may have a rear yard or side yard setback of 1 m.

The requested variances do not affect the R2-9 zone.

The intent of the rear yard setback provision is to maintain consistent development within the context of the area, provide access to rear yards, as well as provide sufficient area for grading, drainage, and maintenance. The current location of the shed is not anticipated to restrict access to the rear yard or impact grading, drainage, and maintenance. The intent of the eaves setback is to prevent encroachments by a structure that may have eaves that project further into setbacks than the structure itself. The subject accessory structure is oriented perpendicular to the rear lot line, and any precipitation from the roof is not anticipated to fall into the neighbouring property.

The intent of minimum lot frontage provisions is to provide lots with road frontage and sufficient lot width to accommodate a dwelling and any accessory uses. Due to the detached dwelling located behind the fourplex, the severed lot is required to have reduced frontage to maintain the shared access. The severed and retained lots share an existing entrance onto Country Street, with an easement and a Joint Use and Maintenance Agreement (JUMA) to be registered as part of the Consent application.

Staff are of the opinion that the requested variances are 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?

According to municipal records, the accessory structure was constructed in 1996. To relocate or demolish the structure to meet the required 1.2 metre setback would result in undue impacts to the current property owner. The accessory structure on the retained lands abuts a landing which is to be located on the severed lands. Shifting the proposed rear lot line further from the accessory structure would result in encroachments of the existing landing onto the retained lands. The proposed lot line passes between the two structures to ensure that both structures are wholly within the boundaries of the respective lots. Staff are of the opinion that the requested variance represents appropriate and desirable development of the lands in question.

Lots are generally permitted to have one principal dwelling, whereas the subject property contains two existing principal dwellings, one of which is a fourplex, the other a single detached dwelling. While the related Consent application creates several zoning deficiencies, the dwellings are to be located on separate lots after the Consent is completed, preserving the existing structures. Both the severed and retained lots require frontage onto Country Street, and although the lot frontage for the severed lot is deficient, this will enable both properties to maintain their shared access onto Country Street.

Staff are of the opinion that the requested variances represent appropriate and desirable development of the lands in question.

4. Is the proposal minor?

The requested variances represent a logical solution to a deficient rear yard setback and lot frontage that are created due to a Consent application and the desire to maintain lot fabric that is consistent with the existing structures on the subject property. As the accessory structure has been in existence for approximately 30 years, and the access to severed lot is existing, Staff are of the opinion that the qualitative value of the requested variance is minor in nature.

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CONCLUSION

Overall, Staff support the Minor Variance application. The requested variances represent a desirable solution on a property which has a complex lot layout. The requested variances will allow the owners to continue to enjoy their existing accessory structure and existing shared access.

Therefore, Staff are of the opinion that Minor Variance Application D10-DEV-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,



Drew Brennan
Senior Planner

ATTACHMENTS:

1. SCHEDULE A – Draft Reference Plan
2. SCHEDULE B – Severance Sketch (Note: incorrect measurements)

SCHEDULE B – Severance Sketch (Note: incorrect measurements)

