

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, December 16, 2020
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-15-20 (D13-WAT-20)**
Plan 6262, Lot 99 and Part Lot 100
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 119 Edward Street
OWNER/APPLICANT: Kimberly Dagenais (Watters) & Paul Watters

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described Plan 6262, Lot 99 and Part Lot 100, Almonte Ward, Municipality of Mississippi Mills, municipally known as 119 Edward Street, to reduce the minimum required rear yard setback from 7.5m (24.6ft) to 4.27m (14ft) in order to permit the construction of an addition at the rear of the existing dwelling, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted with a revision to the building plan to include a note that the existing dwelling and proposed addition will have eaves installed to carry water towards Edward Street and lot grading appropriate to ensure runoff from the eaves flows toward Edward Street; and**
- 2. That the Owner obtain all required building permits.**

PURPOSE AND EFFECT

The owners/applicant is requesting relief from the minimum rear yard setback requirement from 7.5m (24.6ft) to **4.27m (14ft)**¹ of the Residential Second Density (R2) Zone to permit an addition on the existing dwelling. The addition would increase the floor area for the existing dwelling and would include a new secondary dwelling unit. The Minor Variance request is outlined below:

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

Section	Zoning Provision	By-law Requirement	Requested
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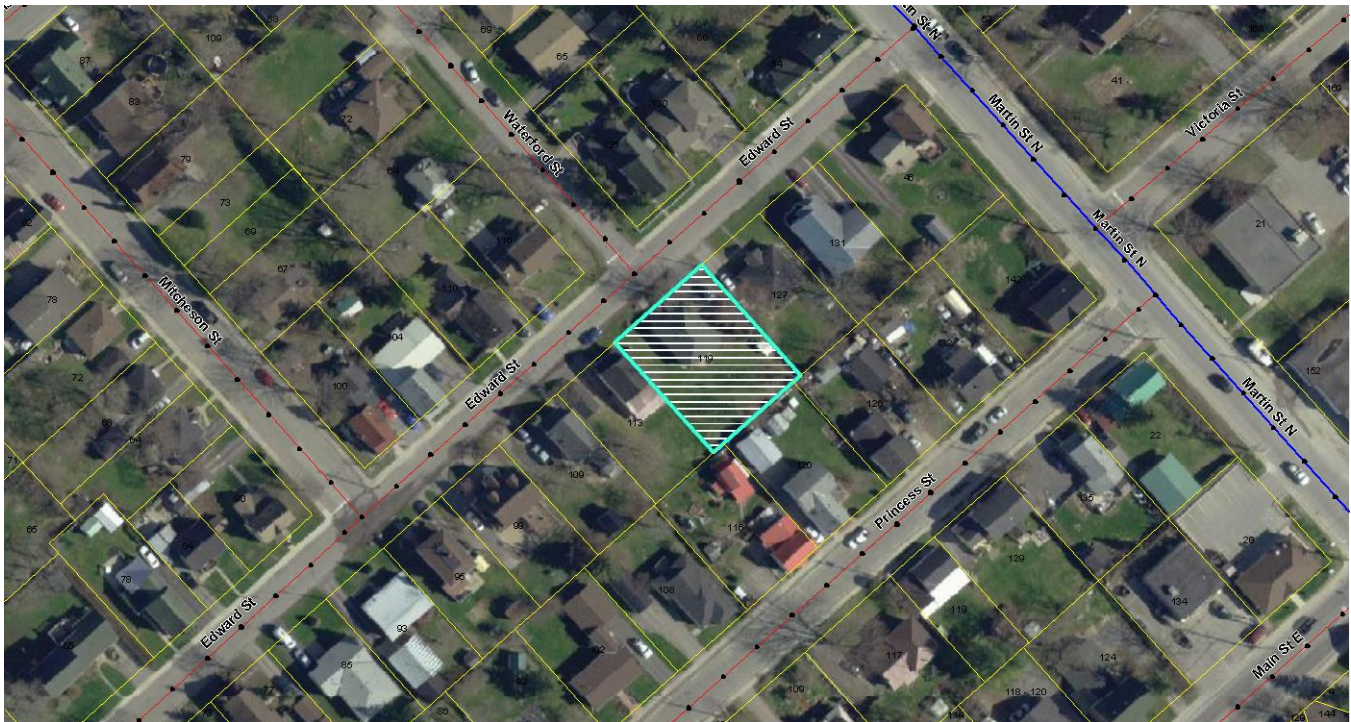
¹ The owner/applicant had originally requested relief from 7.5m to 3.66m (12ft) as circulated in the notice of public meeting. The application has been revised to reflect a requested relief of 4.27m (14ft) following additional information and confirmation by the owner/applicant.

Table 13.1(A)	Rear Yard Setback, Minimum	7.5m (24.6ft)	4.27m (14ft)¹
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DESCRIPTION OF SUBJECT LANDS

The subject property is located on Edward Street, east of the intersection of Edward Street and Martin Street N, within Almonte Ward. The property is 804.7m² (0.20ac) in size with a frontage of 25.1m (82.5ft). The property is occupied by a single detached dwelling. The proposed addition will be located to the rear of the existing dwelling. The addition would consist of two floors: the ground floor would contain a common mudroom and secondary dwelling unit and the second floor would expand the floor area for the primary dwelling unit. The property is generally surrounded by low 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 sewer services and has driveway access from Edward Street, a municipally owned and maintained road. The municipal servicing and infrastructure demands would not change as a result of the application.

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.

CBO: No objections.

Fire Chief: No concerns.

Acting Director of Roads and Public Works: A note needs to be added to the [building plan] drawings that the both the expansion and the current unit need to have eaves installed to carry water forward towards Edward street and lot grading appropriate to ensure runoff from the eaves flows towards Edward Street. The proponent should consider connecting any sump pump to the storm sewer on Edward Street.

Recreation Coordinator: No concerns.

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 'Residential' in the Municipality's Community Official Plan (COP). The Residential designation permits low and medium density residential uses and accessory uses. The Municipality's COP does not specifically address or contain policies related to minimum rear yard setbacks for properties located within the Residential designation. As such, the requested variance conforms to 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 "Residential Second Density (R2)" by the Municipality's Comprehensive Zoning By-law #11-83. The R2 Zone permits a detached dwelling in accordance with the detached dwelling provisions of the R1 Zone. The owners are applying to reduce the rear yard requirement to permit the construction of 111.5m² (1,200ft²) addition.

Minimum Rear Yard Setback Requirement

The intent of the minimum rear yard setback requirement for dwellings is to ensure that there is sufficient separation between the building and the rear lot line in order to allow for maintenance around the building, prevent runoff onto neighbouring properties, mitigate any potential visual

and privacy impacts between neighbouring properties, and maintain appropriate amenity space for the owners.

Maintenance: The requested relief will encroach into the required 7.5m rear yard setback by 3.24m (10.6ft) and is not expected to interfere with maintenance of the subject property. As such, the rear yard will maintain a setback of 4.27m which will provide adequate room for maintenance purposes.

Runoff: The proposed addition will increase the hard surface on the subject property by 111.5m². In the review of the application, the Acting Director of Roads and Public Works and Chief Building Official requested confirmation of the drainage pattern on the property. The applicant subsequently provided a revised sketch of the approximate drainage direction on the subject property. Following further review of the building plans and revised site sketch, the Acting Director requested that the building plans be revised to note the existing dwelling and proposed expansion will need to have eaves installed to carry water towards Edward Street and lot grading to ensure runoff from the eaves flows towards Edward Street. The Acting Director further noted that the applicant should consider connecting any sump pump to the storm sewer on Edward Street. No other concerns were identified. As such, Staff recommend that a condition of approval require an amendment to the submitted building plans to include eaves installation and lot grading to ensure runoff is directed to Edward Street.

As such, Staff does not anticipate significant impacts onto the property or adjacent properties from the increase in hard surface from the expanded building footprint.

Privacy Impacts: Although the minor variance would reduce the minimum setback from 7.5m to 4.27m, there remains sufficient distance from the subject property and adjacent properties to maintain privacy. Additionally, no objections had been received from adjacent owners regarding about potential privacy impacts at the time this report was finalized.

Amenity Space: The proposed structure will encroach into the rear yard setback by 3.24m which would leave 4.27m of sufficient landscaped amenity space for the use and enjoyment of the owners. Additionally, ample amenity space remains in the side yards given the total size of the lot in relation to the proposed addition.

Given the above, Staff is of the opinion that the Minor Variance in question maintains the intent of the Zoning By-law #11-83.

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

The proposal is desirable for the appropriate development and use of the land as it would the owner to increase the living space of the primary unit and add a secondary dwelling unit to be occupied by the owner's parents, thereby maximizing the owners' personal enjoyment and use of the land.

The proposal is desirable within the context of the neighbourhood and the Municipality as a whole as there are no foreseeable negative impacts as a result of the proposed variance. As noted, the setback will have no additional impacts on maintenance, runoff, amenity space or privacy on the subject property and adjacent properties. Due to the site-specific nature of property (i.e. the location of the existing and proposed structure, its size, and the negligible impacts), the proposal would not set a precedent for future applications where these features

are not present. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

4. Is the proposal minor?

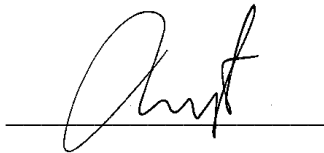
The proposed variance to the minimum rear yard setback would reduce the requirement from 7.5m (24.6ft) to 4.27m (14ft), resulting in a requested relief of 3.24m (10.6ft). Staff do not consider the request significant from a quantitative standpoint. The proposal demonstrates no foreseeable maintenance, runoff, and privacy impacts to the property in question or those neighbouring. Staff is therefore of the opinion that the requested variance is considered 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. Staff believes that Minor Variance Application A-15-20 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 is approved based on the plans submitted with a revision to the building plan to include a note that the existing dwelling and proposed addition will have eaves installed to carry water towards Edward Street and lot grading appropriate to ensure runoff from the eaves flows toward Edward Street; and**
- 2. That the Owner obtain all required building permits.**

All of which is respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Maggie Yet', is written over a horizontal line.

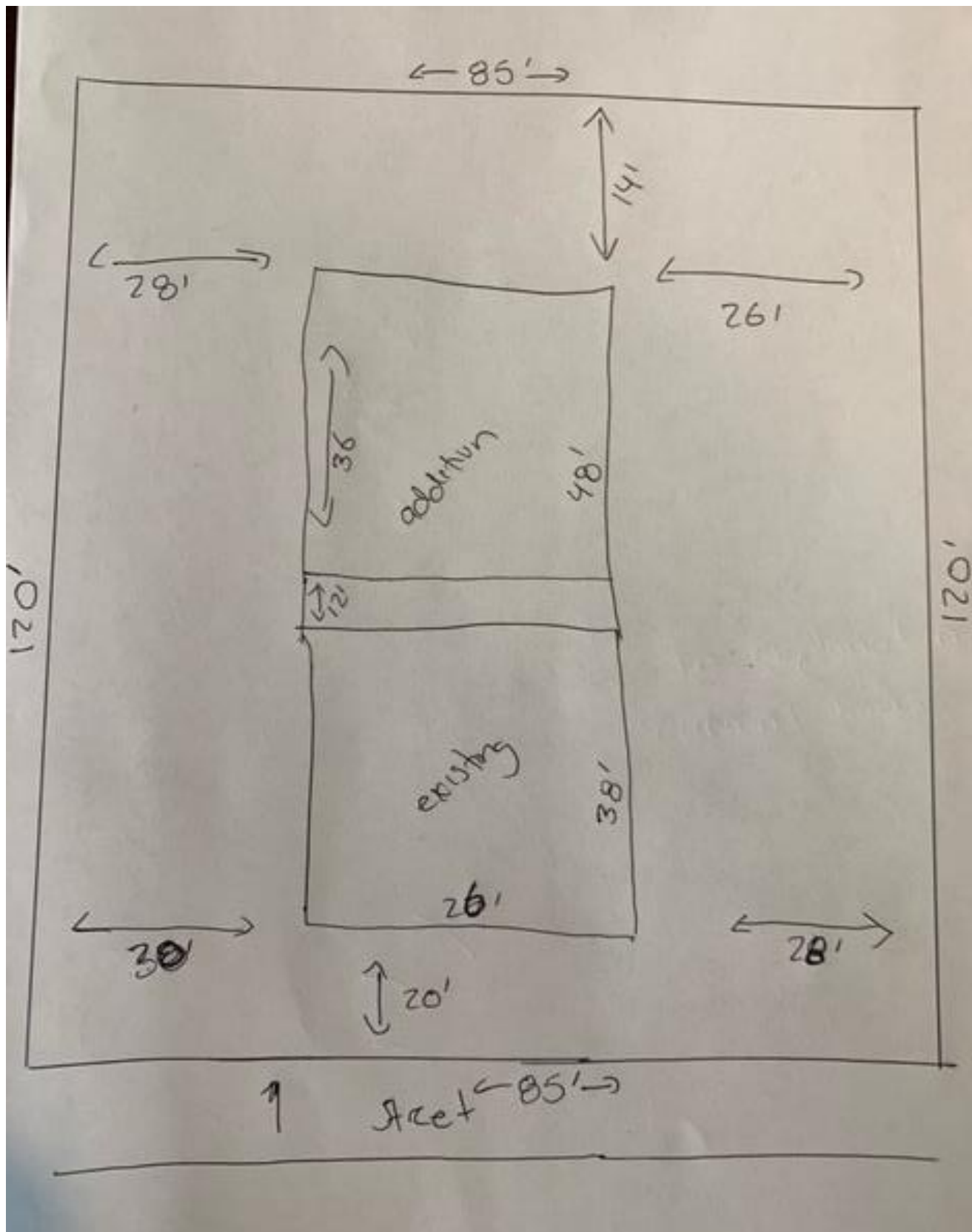
Maggie Yet
Planner 1

ATTACHMENTS:

SCHEDULE A – Site Plan

SCHEDULE B – Building Plans

Schedule A Site Plan (Submitted by Applicant)



Revised Site Plan with Runoff Direction (Submitted by Applicant)

