

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## PLANNING REPORT

**MEETING DATE:** Wednesday, May 19, 2021 at 6:00 p.m via ZOOM (virtual meeting)  
**TO:** Committee of Adjustment  
**FROM:** Eric Forhan (Planning Consultant)  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-03-21 (D13-CHES-21)**  
**Part of Lot 16, Concession 10; Part 2 of Plan 26R-1213**  
**Pakenham Ward, Municipality of Mississippi Mills**  
**Municipally known as 474 Barr Side Road**  
**OWNER/APPLICANT:** Michael Cheslock and Jenna Gorman

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### RECOMMENDATION:

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the subject property, legally described as Part of Lot 16, Concession 10, being Part 2 of Plan 26R-1213 , Pakenham Ward, Municipality of Mississippi Mills, municipally known as 474 Barr Side Road, to permit the a Secondary Dwelling (Additional Residential Unit) with a new garage, subject to the following conditions:**

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved in accordance with the submitted drawings provided in Schedule A:**
  - To apply the zoning provisions of the Rural (RU) Zone to the one lot, whereas Section 3.2.4 provides that where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part.**
  - To permit a Secondary Dwelling (Additional Residential Unit) within 500 metre (m) of an open waste disposal site, whereas Section 6.25(1) states that no building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site, from 500 m to 400 m.**
  - To permit a Secondary Dwelling (Additional Residential Unit) in the Rural Area and ancillary to an existing detached dwelling, where as Section 8.16(2) states that a Secondary Dwelling Unit is only permitted in a settlement area and must be contained within the same building as its principal dwelling unit.**
  - To permit a Secondary Dwelling (Additional Residential Unit) that is over 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16(5) states that a secondary dwelling located at or above grade must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, from 40% to 41%.**

- To permit a Secondary Dwelling (Additional Residential Unit) within 150 m of an Agricultural Designation, whereas Section 12.2 provides a minimum separation distance of 150 m between non-farm buildings and structures on lands adjacent to the Agricultural designation, from 150 m to 0m.
2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling (Additional Residential Unit).
  3. That the Owner/Applicant demonstrate that the open landfill site located within 500 m of the proposed development will not have any negative impacts on the proposed Secondary Dwelling (Additional Residential Unit), in accordance with Policy 4.8.5.5 of the Municipality's Community Official Plan (COP) and subject to the approval of the Director of Roads and Public Works.
  4. That the Owner/Applicant demonstrate to the Municipality that the existing/ proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling (Additional Residential Unit), to the satisfaction of the Municipality and the Leeds, Grenville & Lanark District Health Unit.
  5. That the Owner/Applicant register a covenant on the title of the property stating that the lot is adjacent to an agricultural area and active landfill site (waste management facility) and may therefore be subjected to noise, dust, odours and other nuisances associated with these activities.
  6. That the Owner/Applicant confirm that there are no livestock facilities or manure storage facilities within 1 km to the proposed Secondary Dwelling (Additional Residential Unit), or otherwise provide Minimum Distance Separation (MDS) calculations to the Municipality.

## **PURPOSE AND EFFECT**

The applicant is requesting relief from the provisions of Sections 3.2.4, 6.25(1), 8.16(2), 8.16(5) and 12.2 of Zoning By-Law #11-83 to permit a Secondary Dwelling Unit (Additional Residential Unit) with a new garage that:

- will be subject to the Rural (RU) Zone provisions that will further be applied to the one lot;
- is within 500 metres (m) of an open waste disposal site;
- is in the Rural Area and detached from and ancillary to the primary (existing) dwelling unit;
- that is approximately 41% of the gross floor area of the primary (existing) dwelling unit; and
- that is within 150 m of an Agricultural designation

The subject property is partially zoned Rural (RU) and Agriculture (A). The proposed Secondary Dwelling Unit (Additional Residential Unit) would be located above a new garage and entirely within the RU zone. The subject property currently consists of a house and a garage. The existing house is 303.2 sqm (3264 sq.ft) and the existing garage is 62.4 sqm (672 sq.ft). The proposed Secondary Dwelling Unit (Additional Residential Unit) would be approximately 124 sqm (1338 sq.ft), and therefore represent approximately 41% of the existing dwelling.

The detailed plans are found in Schedule A to this Staff Report.

The proposed development is not subject to Site Plan Approval. In accordance with Site Plan Control By-Law 19-93, all development on lands zoned Agricultural (A) and Rural (RU) is exempt from Site Plan control process. The Secondary Dwelling (Additional Residential Unit) will be subject building permit approval. The Minor Variance requests are outlined below.

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

<b>Section</b>	<b>Zoning Provision</b>	<b>By-law Requirement</b>	<b>Requested</b>
3.2.4	More Than One Zone on a Lot	<i>Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot</i>	The proponent is requesting that the provisions of one zone be applied to the one lot. The proposed Second Dwelling (Additional Residential Unit) is proposed on the portion of the land that is zoned Rural (RU) and will therefore be subject to the zone provisions of that zone.
6.25(1)	Setbacks from Waste Disposal Areas (WD) Zone	<i>No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.</i>	The proponent is proposing the creation of a new dwelling unit within the 500 metre (m) setback buffer, at approximately 400 m measured from the property line of the waste disposal site.
8.16(2)	Secondary Dwelling Units	<i>A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided:</i>  <i>(b) it is not a standalone, principal unit capable of being severed;</i>  <i>(d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.</i>	The proponent is proposing a Secondary Dwelling Unit in the Rural Area that would be ancillary to a detached dwelling and therefore separate and not contained within the same building as its principal (existing) dwelling unit.
8.16(5)	Secondary Dwelling Units	<i>(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40%</i>	The proponent is proposing a Secondary Dwelling Unit above a new garage that would technically exceed the 40% of the gross floor

		<i>of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.</i>	area of the principal dwelling unit, at approximately 41%.
12.2	RU Zone Provisions	Minimum Separation of 150 m for between non-farm buildings and structures on lands adjacent to the Agricultural designation (m)	The proponent is requesting a separation distance of 0 m. MDS compliance is being required to address this area of zoning non-compliance.

### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located within Pakenham Ward, west of the intersection of Waba Road and Barr Side Road. The entire subject property is approximately 20,831 m<sup>2</sup> (5.15 ac) in size with a frontage of ±242.5 m (795.6 ft) along Barr Side Road (See **Figure 1**).

The subject property consists of a single detached dwelling and an existing garage. There are extensive tree plantings (wooded area) throughout the subject property that provide substantial screening from the road and adjacent properties.

Schedule B to this Planning Report provides the Site Photos for context.

The surrounding area consists of mostly agricultural lands, rural residential properties and the open municipal waste disposal site (Pakenham recycling Depot) located at 580 Barr Side Road, Pakenham.

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



## **SERVICING & INFRASTRUCTURE**

The subject property is presently serviced by private water and private septic. The Owner/Applicant is proposing that the Secondary Dwelling (Additional Residential Unit) have its own private septic system but share the existing private water (well) with the existing residential dwelling.

The Leeds, Grenville & Lanark District Health Unit is the approval authority for the addition of private services. The Owner/Applicant will have to provide to the Municipality with evidence that the proposed private septic system and shared well services will have the capacity to support the Secondary Dwelling / Additional Residential Unit.

The existing driveway access and parking area provided are suitable for the proposed Secondary Dwelling (Additional Residential Unit). The municipal parking 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:** None received.

**CBO:** No objection. The Owner/Applicant will have to demonstrate that the proposed servicing is adequate.

**Fire Chief:** None received.

**Director of Roads and Public Works:** The only real concern is if we have additional drawdown concerns. There is no evidence of environmental impact from the landfill in that area. The health unit approves the septic and will need to be contacted.

The Owner/Applicant will have to demonstrate that the proposed servicing is adequate and that there are no negative impacts from proximity to the nearby landfill site.

**Recreation Coordinator:** No concerns or comments.

### **COMMENTS FROM EXTERNAL AGENCIES**

None received.

### **COMMENTS FROM THE PUBLIC**

None received.

## **EVALUATION**

### **PLANNING ACT CHANGES RELATED TO ADDITIONAL RESIDENTIAL UNITS**

The Ontario Planning Act prescribes matters of Provincial Interest and establishes the ground rules for land use planning in Ontario which includes policies, regulations and procedures related to Official Plans (Part III) and the passing of By-Laws (Part V).

The *Planning Act* was recently amended as a result of Bill 108 - *More Homes, More Choice Act*, 2019, which further amended the second unit framework in subsection 16(3) of the *Planning Act* with new provisions for "Additional Residential Units". Bill 108 received Royal Assent in the Ontario Legislature on June 6th, 2019 and the enabling regulations were proclaimed in to force on September 3, 2019.

The recent regulatory changes made to the *Planning Act* that authorize the use of Additional Residential Units offer Municipalities an additional tool to help develop a range of housing options in their communities, with an emphasis on affordability.

Encouraging Additional Residential Units is important because they:

- (1) provide homeowners with alternative means of earning additional income to help meet the costs of home ownership;
- (2) support changes in demographics through housing options for immediate and extended families; and
- (3) maximize densities to support and enhance local businesses, labour markets, and the efficient use of infrastructure.

Subsection 16(3) of Part III (Official Plans) of the Planning Act provides the policies for additional residential units:

- (3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,*
- (a) the use of **two residential units** in a detached house, semi-detached house or rowhouse; and*
  - (b) the use of **a residential unit** in a building or structure ancillary to a detached house, semi-detached house or rowhouse. 2019, c. 9, Sched. 12, s. 2 (1).*

**In accordance with the above, Ontario's *Planning Act* permits an additional residential in any building that is ancillary to a detached dwelling. This means that an additional residential unit is permitted as an ancillary use wherever a detached dwelling is permitted, regardless of where the property is located (rural area vs settlement area).**

**The Minor Variance applications to permit a Secondary Dwelling (Additional Residential Unit) is therefore consistent with the regulations of the *Planning Act*.**

**The *Planning Act* does not specify whether or not additional residential units in ancillary buildings or structures need to be on the same or separate services as the primary dwelling unit. The Owner/Applicant will need to demonstrate that the proposed servicing is adequate.**

## **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*.

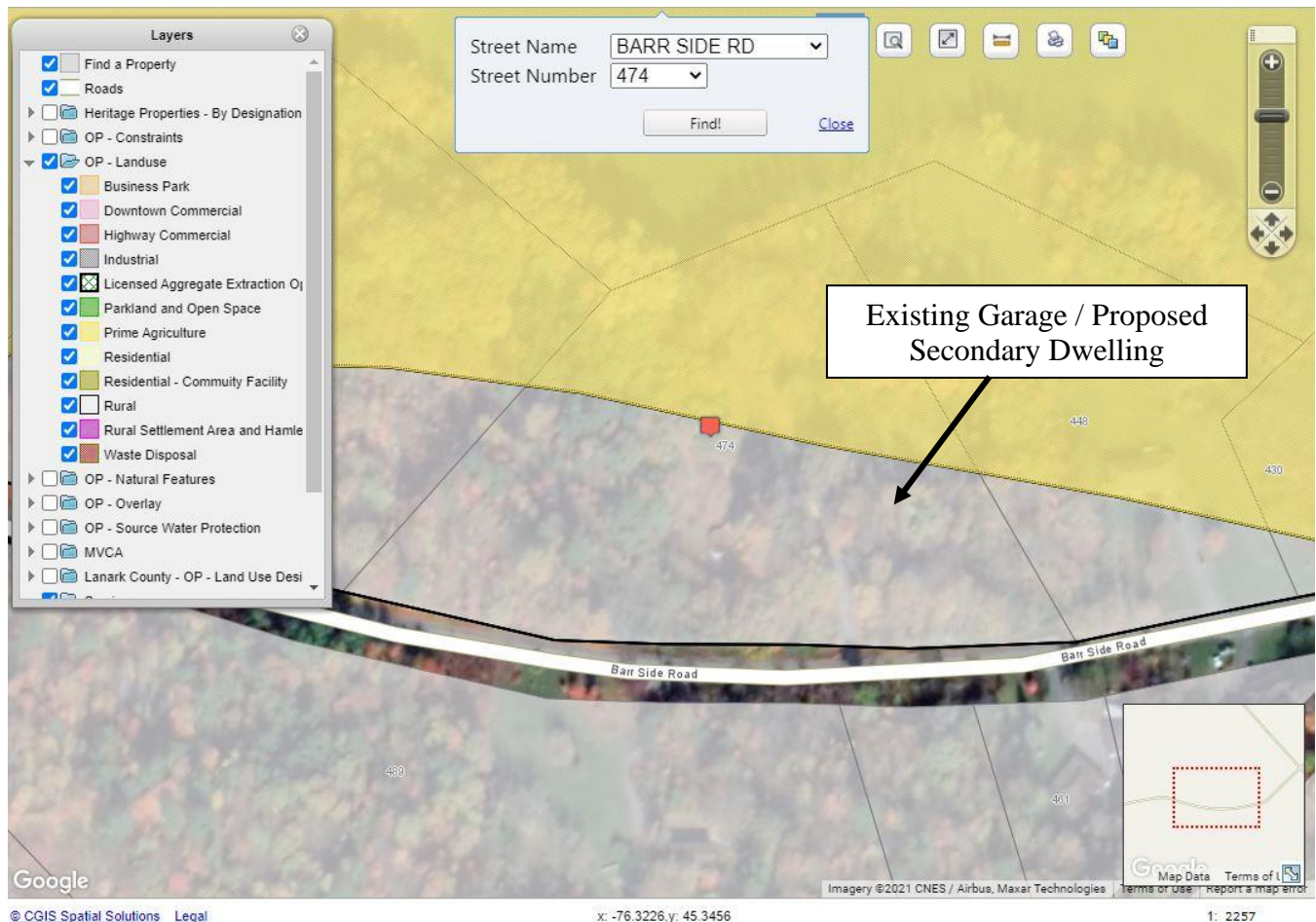
Staff comments concerning the application of the four (4) tests to this Minor Variance request are as follows:



## 1. Does the proposal maintain the intent of the Official Plan?

The subject property is designated 'Agriculture' and 'Rural' as per the Municipality's Community Official Plan (COP). The proposed Secondary Dwelling (Additional Residential Unit) is located within the portion of the subject property designated "Rural", as shown on **Figure 2** below.

**Figure 2 – Official Plan designation map**



As such, Rural policies are most relevant to this Minor Variance Application.

The intent of the Rural designation is to promote the rural character and encourage rural-based land uses, including limited residential development, such as Secondary Dwellings (Additional Residential Units).

The following provides an analysis of the proposed variances against the relevant policies of the Municipality's COP:

### Section 3.3.2 Permitted Uses (Rural Designation)

On lands designated as "Rural" the following shall be permitted:



vii. non-farm residential dwellings and accessory uses, including garden suites (Section 3.6.13 of the Plan), Second Dwelling Units (Section 3.6.9) home-based businesses (Section 3.6.11 of the Plan), group homes (Section 3.6.12 of the Plan) and bed and breakfast establishments (Section 3.6.10 of the Plan), as defined in the Residential section of this Plan.

As per Section 3.3.2, a Second Dwelling Unit is permitted in the “Rural” land use designation if it meets the policy requirements of Section 3.3.2. The proposed Secondary Dwelling (Additional Residential Unit) is proposed within the portion of the subject property designated as Rural.

### **3.3.3 General Policies (Rural Designation)**

1. The establishment of new buildings and structures or the expansion or change of use of existing structures within the Rural designation shall be subject to the appropriate Minimum Distance Separation (MDS) calculation as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

In accordance with the above, the proposed Secondary Dwelling (Additional Residential Unit) is subject to Minimum Distance Separation (MDS) calculation. The applicant will need to demonstrate that MDS compliance has been achieved.

**2. The establishment of new non-farm buildings and structures on lands adjacent to the Agricultural designation shall maintain a setback of 150 metres from the boundary of the Agricultural designation.** The creation of new lots adjacent to the Agricultural designation shall ensure that there is an appropriate building envelope outside of the 150 metre setback. Where development is on an existing lot of record and the 150 metre setback cannot be achieved, development may take place within the 150 metre setback subject to the approval of the Committee of Adjustment. Such development proposals shall be assessed in terms of availability of natural vegetative screening, level and type of agricultural activity taking place on the abutting lands, characteristics of surrounding agricultural activities, existing and/or emerging agricultural trends and the likelihood for negative impact. The Committee of Adjustment may impose a condition on the decision including the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.

The proposed Secondary Dwelling (Additional Residential Unit) is within the Rural designation and adjacent to the Agricultural designation. This separation distance is implemented through the Zoning By-Law and will be addressed through this Minor Variance Application. In accordance with the above noted policy, registration of a covenant on the title of the property is being recommended as a condition to the approval of this Minor Variance Application. The applicant will also need to demonstrate MDS compliance.

### **3.3.5 Residential Development**

Residential development within the Rural designation shall be subject to the following policies:

3. A permitted second dwelling shall not be allowed to be severed from the balance of the property.

The proposed Secondary Dwelling (Additional Residential Unit) is permitted in the Rural designation as per the above noted policy and is therefore appropriate for the future development of the subject property.

4. All residential dwellings shall be subject to the *Minimum Distance Separation* calculation.

The proposed Secondary Dwelling (Additional Residential Unit) is subject to Minimum Distance Separation (MDS) policies and guidelines. There are no known livestock facilities or manure storage facilities within 500 metres (m) of the proposed dwelling. However, the applicant will be required to confirm that there are no livestock facilities and/or manure storage facilities within 1km of the subject property in accordance with the above noted policy and MDS guidelines.

6. When placing a residential dwelling and associated accessory structures on a rural property, special consideration should be given to the visual impact the development may have on the surrounding rural character. The Zoning By-law shall contain specific setback requirements which move rural residential dwellings an appropriate minimum distance back from the road. Special provisions may be established for development abutting scenic or heritage roads in accordance with Section 4.3.7 of this Plan. Efforts should be made to take advantage of existing topography, trees and fence lines when choosing a building location so as to fit in with the surrounding area.

The potential impacts of the proposed development on the surrounding rural character have been evaluated in accordance with the zoning setbacks for the site, as well as the Rural design guidelines (see below). The proposed Secondary Dwelling (Additional Residential Unit) will be adequately screened from abutting properties and the road by both the existing garage and the existing wooded areas found on the subject property. In other words, the proposed development will not worsen any existing visual impacts and will fit in with the surrounding area. The proposed design is rural in nature.

### **Section 3.6.9 Second Dwelling Units Policy**

One second unit may be permitted within a single detached dwelling, semi-detached dwelling or duplex dwelling or in a building or structure ancillary to these housing types subject to the requirements of the Zoning By-law.

The Zoning By-law may provide for second unit regulations which allow for such units without an amendment to the Zoning By-law provided the following criteria are satisfied:

- i. only one second unit per property;
- ii. all requirements of the Zoning By-law are met, including adequate off-street parking, and minimum floor area for apartment units;
- iii. all building code and fire code requirements are addressed; and,
- iv. Secondary dwelling unit must connect to existing residential servicing.**

Although not currently reflected in Zoning By-Law #11-83, the Municipality's Community Official Plan (COP) permits Second Dwelling Units (Additional Residential Units) in a building or structure ancillary to detached dwellings. The proposed Secondary Dwelling (Additional

Residential Unit) would be ancillary to the existing primary dwelling. The proposed Secondary Dwelling Unit will be connected to the existing private water (well) that is currently provided for the existing primary dwelling but will be on separate private septic. In accordance with the above noted policy, the Owner/ Applicant will need to demonstrate that the additional residential unit can be supported on a separate private septic system and the same private water (well) system as the existing primary dwelling. This will require obtaining all relevant approvals and permits from the Lanark County Health Unit.

### **Section 4.2.3 Rural Design**

#### **4.2.3.1 General Policies**

1. Development proposals will need to demonstrate how they conform to the Council approved Rural Design Guidelines.

The development proposal conforms to the above noted policy.

2. The construction and maintenance of existing roads shall take into consideration the roadscares that exist or are common to an area. Efforts will be made to maintain existing trees and traditional rail fences along existing roads. Wherever possible, the existing character of the road will be enhanced through specific tree plantings and fence design. Professional advice on the pruning and cutting of trees and fence design along road allowances shall be encouraged.

The development proposal conforms to the above noted policy.

5. Development proposals will need to consider the impact they may have on the natural environment and will:

- i. ensure that the setbacks from natural features, rural resources and agricultural lands expressed elsewhere in this Plan are adhered to;
- ii. ensure that the site is large enough to accommodate the scale and intensity of the proposed development; and,
- iii. design and locate lighting to control spillage on adjacent properties and protect the night sky.

The development proposal conforms to the above noted policy.

6. To create visually appealing buildings and enhance the rural character, development proposals will:
  - i. demonstrate that new buildings and their setback from the road are consistent with traditional rural development;
  - ii. the Zoning By-law shall establish increased setbacks for new non- farm residential development and other forms of rural development;
  - iii. encourage new residential buildings to be designed to maximize the direct exposure to natural light;
  - iv. encourage building types which are traditional to the rural area;
  - v. establish rural residential design guidelines to assist in identifying the characteristics of traditional rural residential design;

- vi. protect or enhance natural areas between the roadway and the structures; and,
- vii. encourage rural non-farm residential development to establish traditional fence designs, such as rail fences and rock fences.

The development proposal conforms to the above noted policy.

- 7. To design sustainable buildings that are efficient, durable and adaptive over time, all proponents of plans, development proposals and public works will:
  - i. encourage sustainable designs that reduce energy consumption and maintenance costs;
  - ii. promote the re-use, not demolition, of existing buildings that are structurally sound;
  - iii. encourage street layouts, building orientation, and landscaping to maximize potential gains from solar energy and exposure to light;
  - iv. recommend the use of local building materials and/or durable, environmentally sustainable building materials; and,
  - v. use outdoor lighting fixtures that will promote public safety and be of a design that reduces energy consumption and directs light away from the abutting properties and the night sky.

The development proposal conforms to the above noted policy. Of note, the Owner/Applicant has submitted an Energy Efficiency Design Summary (Schedule C attached hereto), which demonstrates that the proposed Secondary Dwelling (Additional Residential Unit) will be energy efficient.

#### **Section 4.8.5 Waste Management**

- 2. The Zoning By-law shall establish setbacks for development from the boundary of the closed waste disposal sites which are consistent with the influence areas established by the MOECP for the specific facilities.

Development setbacks from open waste disposal sites are provided in Section 6.25 of Zoning By-Law #11-83, in accordance with Policy 4.8.5.2 above. Provision 1 states:

- (1) *No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.*

The Secondary Dwelling (Additional Residential Unit) is within 500 m from of the open waste disposal site, at approximately 400 m from the property line of the open waste disposal site. The Owner/Applicant is seeking a Minor Variance to address this area of non-compliance with the setbacks established in Zoning By-Law #11-83.

- 5. All land use proposals located within 500 metres of the perimeter of a fill area or wastewater treatment facility shall be supported by studies to determine the impact of the open or closed landfill site on the proposed development. Factors to be considered include but are not limited to; landfill generated gases, ground and surface water

contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin and visual impact.

No studies have been provided to the Municipality that demonstrate the potential negative impacts associated with proximity to the existing landfill. In accordance with Policy 4.8.5.5, the Owner/ Applicant will be required to provide a study that evaluates the impacts of the open landfill site on the proposed development.

*Variance 2 – Permitting a residential dwelling within 500 metres (m) of an open landfill site (Pakenham depot)*

Section 4.8.5 permits land use proposals, including dwellings of any kind, within 500 metres of the perimeter of a landfill site provided that the proposed development is supported by a study that evaluates the impacts of the open landfill site. The proposal therefore conforms to the Municipality's Community Official Plan (COP) provided that the Owner/Applicant provides such study/ evaluation.

*Variance 3 – Permitting a secondary dwelling (Additional Residential Unit) in the Rural Area and ancillary to a permitted detached dwelling*

The existing primary residential dwelling is permitted and the proposed Secondary Dwelling (Additional Residential Unit) will be ancillary to the existing primary dwelling. In accordance with Section 3.6.9 of the Municipality's Community Official Plan (COP), the proposed development is therefore permitted within an ancillary building or structure.

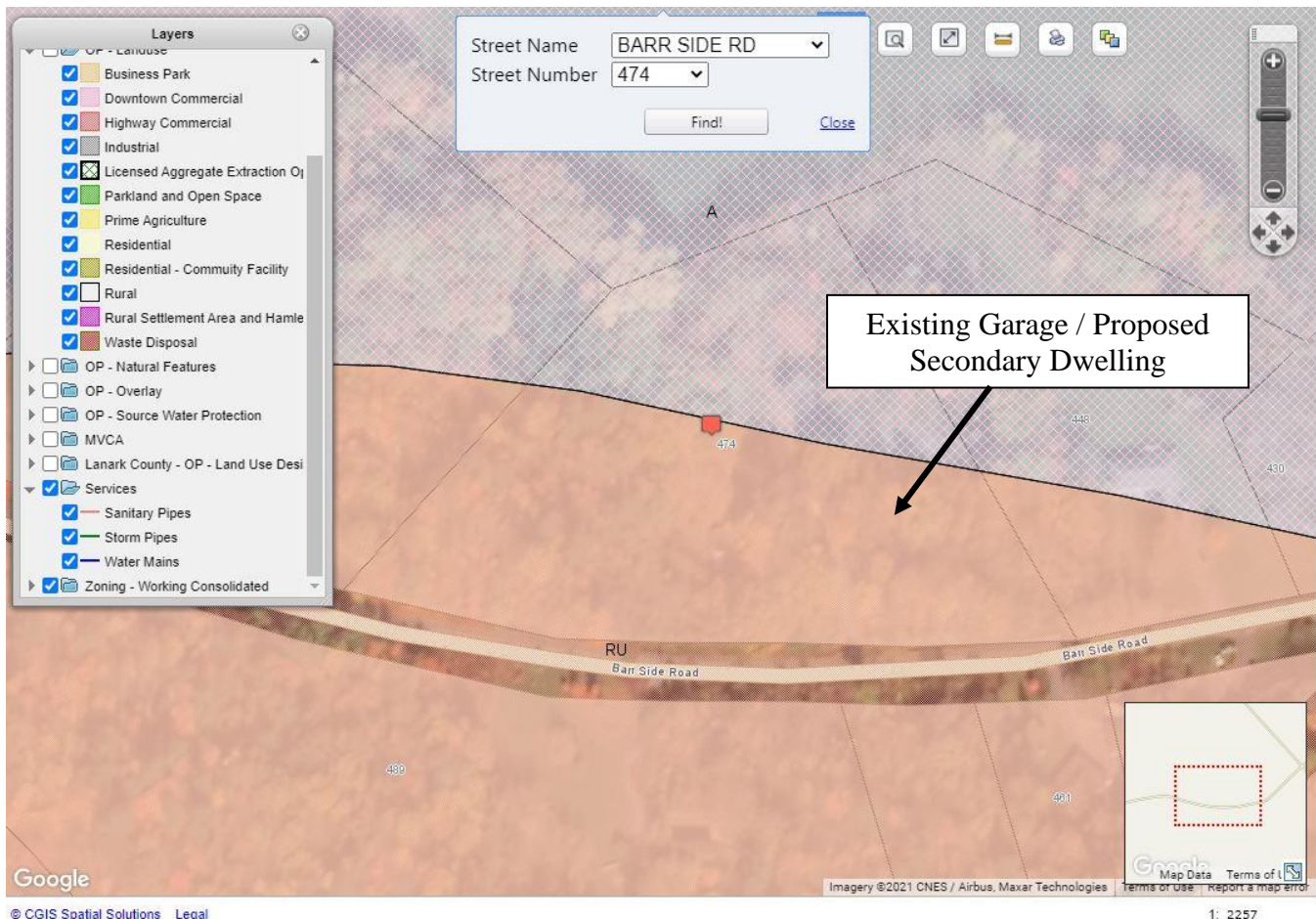
A Variance to Zoning By-Law #11-83 is required to permit a Secondary Dwelling (Additional Residential Unit) within the Rural land use designation even though it is permitted by the COP.

Staff are recommending a few conditions to ensure that the proposed development conforms to all applicable COP policies discussed above. The Owner/Applicant will need to demonstrate that servicing is adequate; that MDS compliance is being achieved; and that the Owner/Applicant ensures that future landowners understand the potential impacts of nearby Agricultural uses, given the property's location within the Agricultural designation and adjacent to an active landfill site.

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

The subject property is zoned "Agricultural (A)" and "Rural (RU)" as per Comprehensive Zoning By-law #11-83. The proposed development would be within the portion of the subject property zoned "Rural (RU)", as shown on **Figure 3** below.

**Figure 3 – Aerial image showing approximate boundaries of Agricultural (A) and Rural (RU) Zones**



As per Section 11.1 of Zoning By-Law #11-83, the 'A' Zone permits mostly farm-related residential and non-residential uses.

Sections 3.2.4, 6.25(1), 8.16(2), 8.16(5) and 12.2 of Zoning By-Law #11-83 are being varied to permit a Secondary Dwelling Unit over a new garage and therefore need to be evaluated.

**Variance 1 – Applying the Rural (RU) Zone provisions to the one lot**

The Owner/Applicant is seeking relief from Section 3.2.4 which states the following:

**Section 3.2.4 More Than One Zone on a Lot**

Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot, except that the lot area requirement for a permitted use in an Agricultural zone may include any part of that lot that may be zoned Environmental Protection.

The proposed development would be located on the portion of the lands that is zoned Rural (RU). It is staff's opinion that the 'RU' zone provisions should be applied to the entire lot for the purposes of the proposed Secondary Dwelling (Additional Residential Unit).



Variance 2 – Permitting a residential dwelling within 500 metres (m) of an open landfill site (Pakenham depot)

A Variance is required to permit a Secondary Dwelling (Additional Residential Unit) within 500 metres (m) of an open landfill site, from 500 m to 400 m (from the nearest property line of the landfill site).

Section 6.25 states the following:

- (1) No building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site either within or without the limits of the Corporation.*

While the existing dwelling and garage are considered legal non-conforming and legal non-complying respectively, the addition of a Secondary Dwelling (Additional Residential Unit) with a garage is not, as the proposal would result in a new dwelling (human habitation) and new garage where it never previously existed.

The proposed reduction of 100 m in separation distance is not significant. The request for Variance is considered a minor departure from the zoning provision given that the existing dwelling is already located within this setback and would be closer to the waste disposal site than the proposed development. While there are no anticipated adverse impacts from the proximity to the waste (recycling) site, the Owner/Applicant will be required to confirm that there will be no adverse (negative) impacts from the waste disposal site on the proposed development.

The proposal therefore conforms to the general intent of Zoning By-Law #11-83.

Variance 3 – Permitting a secondary dwelling (Additional Residential Unit) in the Rural Area and ancillary to a permitted detached dwelling

A Variance is required to permit a Secondary Dwelling (Additional Residential Unit) as a stand-alone structure that is ancillary to a permitted detached dwelling. The current provisions don't reflect recent *Planning Act* changes or the COP policies, as discussed earlier.

According to Section 12.1(a) detached dwellings are permitted within the 'RU' Zone. In accordance with Section 8.16, Secondary Dwellings (Additional Residential Unit) are permitted wherever single detached dwellings are permitted in a Settlement Area.

**Section 8.16 (Secondary Dwelling Units)**

*(2) A secondary dwelling unit is permitted in any detached, semi-detached or duplex dwelling, in any zone within a settlement area that permits any one or more of these dwelling types provided:*

*(a) it does not change the streetscape character along the road on which it is located;*

*(b) it is not a standalone, principal unit capable of being severed;*

- (c) it must be located on the same lot as its principal dwelling unit; and*  
*(d) it only exists along with, and must be contained within the same building as, its principal dwelling unit.*

The Owner/ Applicant is requesting relief from Section 8.16(2) of Zoning By-Law #11-83 to permit the proposed development in the Rural Area and as ancillary to the existing dwelling.

The Secondary Dwelling (Additional Residential Unit) is proposed over new garage structure that is ancillary to the existing primary dwelling and therefore does not comply with the provision above, which states that the Secondary Dwelling must be contained within the same building as its principal dwelling.

The proposed Secondary Dwelling (Additional Residential Unit) will not change the streetscape character along the road or propose any new visual impacts on the streetscape; will not be capable of being severed; and is located on the same lot as the principal dwelling unit. In fact, the proposed Secondary Dwelling (Additional Residential Unit) with garage will be located further away from the front lot line than the existing garage. While the proposed Secondary Dwelling (Additional Residential Unit) is not permitted in the Rural area, new *Planning Act* regulations and OP policies permit these in rural areas provided that a single detached dwelling is permitted. The Variance request is therefore minor.

The proposed development complies with all other provisions of Section 8.16, except for Section 8.16(5). Therefore, the proposal conforms to the general intent of Zoning By-Law #11-83.

*Variance 4 – Permitting a secondary dwelling (Additional Residential Unit) over 40% of the gross floor area of the principal dwelling unit.*

- (5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.*

The proposed Secondary Dwelling (Additional Residential Unit) does not comply with the above noted provision. The applicant is requesting relief from this provision of the Zoning By-Law to permit an increase in the permitted size of the Secondary Dwelling, from 40% to 41%.

The requested increase is considered a minor departure from the size requirement of Section 8.16(5). The intention of Section 8.16(5) is really meant to prevent the development of a Secondary Dwelling that would dramatically alter the size and form of a building, which also contains the principal dwelling. The proposed Secondary Dwelling (Additional Residential Unit) will be located separate from the principal dwelling and will therefore not lead to any alterations to the building containing the existing primary dwelling. In other words, since the proposed Secondary Dwelling (Additional Residential Unit) will be separate and ancillary to the primary dwelling, the gross floor area of the proposed development is of less concern.

Nevertheless, a Variance is required to increase the permitted size of the Secondary Dwelling (Additional Residential Unit), from 40% to 41%.

The proposed Secondary Dwelling (Additional Residential Unit) complies with all other provisions provided under Section 8.16, and therefore conforms to the general intent of Zoning By-Law #11-83.

Variance 5 – Permitting a secondary dwelling (Additional Residential Unit) within 150 m of an Agricultural designation.

Of note, the proposed Secondary Dwelling (Additional Residential Unit) will be a stand-alone structure that will also contain a new garage. Secondary Dwellings (Additional Residential Unit) are not subject to the accessory provisions of Section 6.1:

*(6) A secondary dwelling unit is not considered to be an accessory use and it is regulated by Section 8.16 of this By-law.*

In accordance with the above, the proposed Secondary Dwelling (Additional Residential Unit) and new garage will not be subject to the maximum permitted height and other setback requirements prescribed under Section 6.1.

The proposed Secondary Dwelling (Additional Residential Unit) and new garage are therefore subject to the RU Zone provisions for non-farm residential uses provided under Section 12.2 of Zoning By-Law #11-83. The proposed setbacks are compared with the applicable zone provisions, as shown in **Table 1** below.

<b>Table 1: Zoning Compliance</b>		
<b>Provisions (m)</b>	<b>Non-Farm Residential (Required)</b>	<b>Secondary Dwelling (Proposed)</b>
Minimum Side Yard Setback	6	30
Minimum Rear Yard Setback	9	9+
Minimum Front Yard Setback	9	40
Maximum Building Height	11	6*
<b>Minimum Separation between non-farm buildings and structures on lands adjacent to the Agricultural designation (m)</b>	<b>150</b>	<b>0</b>

\*Approximate building height based on the elevations presented in Schedule A of this report.

The proposed Secondary Dwelling (Additional Residential Unit) complies with all applicable and remaining zone provisions displayed in **Table 1** above, except for the minimum separation distance of 150 m between non-farm buildings and structures on lands adjacent to the Agricultural designation.

This Minor Variance application is being requested to reduce the minimum separation distance from 150 m to 0 m. The Owner/Applicant is also being required to confirm MDS compliance to address this area non-compliance.

The proposed Secondary Dwelling (Additional Residential Unit) conforms with the applicable RU Zone provisions.

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

The proposal would permit a Secondary Dwelling (Additional Residential Unit) as ancillary to the permitted and existing primary dwelling. The current zoning provisions for Secondary Dwellings do not reflect recent *Planning Act* changes, as previously discussed. Zoning By-Law #11-83 will likely be updated in the near future to modify the current zoning provisions.

The proposed development is desirable for the appropriate development of the subject property since the proposal adds to the local housing stock and represents a logical form of development on-site.

The proposed development exceeds the minimum setback requirements of the RU Zone provisions and is well below the maximum building height. In other words, buffers from property lines and abutting properties are more than sufficient.

Also, there are extensive tree plantings (wooded areas) that provide substantial screening from the road, which means there will not be any added visual impacts as a result of the proposed development. Also, the proposed development will be located further away from the front lot line than the existing garage, which means that the streetscape will not be impacted.

The proposal will also provide a form of housing that is supported by the relevant policies, including the *Planning Act* and the Rural land use designation.

The proposed development would also be located further away from the open landfill site than the existing primary dwelling and garage. The proposal would therefore be compatible with character of the site and the surrounding area.

To further demonstrate the appropriateness of the development proposal, the Owner/Applicant will be responsible for:

- obtaining all required building permits and approvals
- providing evidence that there will be no impacts from the adjacent open landfill site on the proposed development
- demonstrating servicing capacity for the proposed development including all necessary approvals from the Lanark District Health Unit
- registering a covenant on the title of the property stating that the lands are adjacent to an agricultural area
- demonstrating MDS compliance.

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

The subject lands are surrounded primarily by other rural residential uses and the requests discussed herein are a minor departure from provisions of Zoning By-Law #11-83. The Variance requests related to the Secondary Dwelling (Additional Residential Unit) are only a formality, as the current Zoning By-Law does not conform to the applicable COP policies and *Planning Act* regulations, which permit Secondary Dwelling (Additional Residential Unit) as ancillary to a permitted primary dwelling. While the proposed Secondary Dwelling (Additional Residential Unit) is not permitted in the Rural area, new *Planning Act* regulations and OP

policies permit these unit types in the rural area provided that a single detached dwelling is permitted. The Variance request is therefore minor.

Also, the proposal would establish a Secondary Dwelling (Additional Residential Unit) further away from the existing waste disposal site than the existing primary dwelling and only 100 m into the influence area of the waste disposal site. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties or visual impacts on the streetscape. As such, Staff consider the qualitative value of the requested reliefs 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 to any other stakeholders.

Therefore, Staff believe that Minor Variance Application A-03-21 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning 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 conditions other than as follows:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved in accordance with the submitted drawings provided in Schedule A:**
  - **To apply the zoning provisions of the Rural (RU) Zone to the one lot, whereas Section 3.2.4 provides that where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part.**
  - **To permit a Secondary Dwelling (Additional Residential Unit) within 500 metre (m) of an open waste disposal site, whereas Section 6.25(1) states that no building or structure erected and used for human habitation shall be located closer than 500 m (1640 ft) from any area zoned for and containing a licensed waste disposal site, from 500 m to 400 m.**
  - **To permit a Secondary Dwelling (Additional Residential Unit) in the Rural Area and ancillary to an existing detached dwelling, where as Section 8.16(2) states that a Secondary Dwelling Unit is only permitted in a settlement area and must be contained within the same building as its principal dwelling unit.**
  - **To permit a Secondary Dwelling (Additional Residential Unit) that is over 40% of the gross floor area of its principal dwelling unit, whereas Section 8.16(5) states that a secondary dwelling located at or above grade must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit, from 40% to 41%.**
  - **To permit a Secondary Dwelling (Additional Residential Unit) within 150 m of an Agricultural Designation, whereas Section 12.2 provides a minimum separation distance of 150 m between non-farm buildings and structures on lands adjacent to the Agricultural designation, from 150 m to 0m.**
- 2. That the Owner/Applicant obtain all required building permits and approvals for the Secondary Dwelling (Additional Residential Unit).**

3. That the Owner/Applicant demonstrate that the open landfill site located within 500 m of the proposed development will not have any negative impacts on the proposed Secondary Dwelling (Additional Residential Unit), in accordance with Policy 4.8.5.5 of the Municipality's Community Official Plan (COP) and subject to the approval of the Director of Roads and Public Works.
4. That the Owner/Applicant demonstrate to the Municipality that the existing/ proposed private services (water / septic) is appropriate for the proposed Secondary Dwelling (Additional Residential Unit), to the satisfaction of the Municipality and the Leeds, Grenville & Lanark District Health Unit.
5. That the Owner/Applicant register a covenant on the title of the property stating that the lot is adjacent to an agricultural area and active landfill site (waste management facility) and may therefore be subjected to noise, dust, odours and other nuisances associated with these activities.
6. That the Owner/Applicant confirm that there are no livestock facilities or manure storage facilities within 1 km to the proposed Secondary Dwelling (Additional Residential Unit), or otherwise provide Minimum Distance Separation (MDS) calculations to the Municipality.

All of which is respectfully submitted by,

Reviewed by,



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Eric Forhan, MScPI  
Planning Consultant



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Marc Rivet MCIP RPP  
Acting Director of Planning (Lead  
Planning Consultant)

**ATTACHMENTS:**

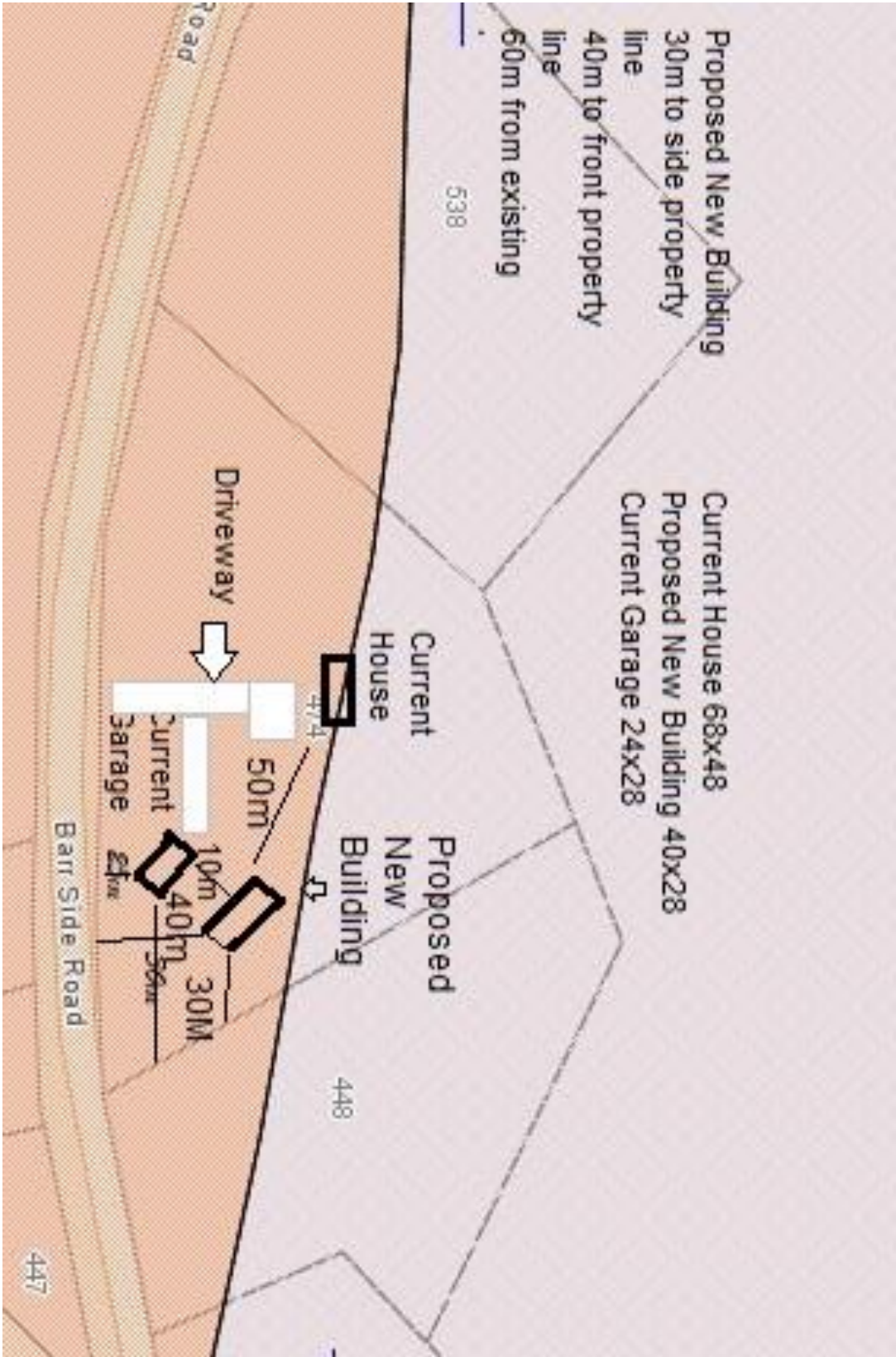
SCHEDULE A – Site Plan, Elevations & Floor Plans

SCHEDULE B – Site Photos

SCHEDULE B – Energy Efficiency Letter



**Schedule A** Site Plan Sketch, Elevations & Floor Plans



GENERAL NOTES (WHERE APPLICABLE)

GENERAL NOTES

- MATERIALS, SYSTEMS, APPLICATIONS AND CONSTRUCTION PRACTICES SHALL CONFORM TO THE ONTARIO BUILDING CODE (LATEST EDITION), RELATED STANDARDS AND MUNICIPAL BY-LAWS
- AUTHORITY HAVING JURISDICTION SHALL BE CONSULTED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR MATERIAL ALTERATION.
- DIMENSIONS ARE MEASURED FROM STUD TO STUD, EDGE OF FOUNDATION OR TO C/L OF STRUCTURAL MEMBER, UNLESS OTHERWISE NOTED
- SOIL CONSULTANT TO REVIEW AND VERIFY SOIL CONDITIONS BEFORE POURING FOOTINGS
- OBSERVE ALL FEDERAL, PROVINCIAL AND MUNICIPAL SAFETY MEASURES ON SITE
- ENSURE LOCATES ARE COMPLETED PRIOR TO DIGGING
- DO NOT SCALE DRAWINGS
- CONTRACTOR TO VERIFY DIMENSIONS AND REPORT ANY ERRORS OR OMISSIONS TO THE DESIGNER PRIOR TO CONSTRUCTION AND HAVE DESIGNER RECTIFY THE ERROR OR OMISSION PRIOR TO CONSTRUCTION
- CONTRACTOR TO VERIFY ALL DOOR AND WINDOW ROUGH OPENINGS PRIOR TO FRAMING ANY OPENINGS
- FINISHES AND MINOR DETAILS AS PER OWNERS SPECIFICATIONS
- FOLLOW ALL PRODUCT SPECIFICATIONS AND GUIDELINES FOR INSTALLATION AND MAINTENANCE
- ANY PROPOSED CONSTRUCTION WITHIN THIS SET OF DRAWINGS THAT FALLS OUTSIDE OF THE APPLICATION LIMITATIONS OF PART 9 OF OBC, SHALL BE DESIGNED IN ACCORDANCE WITH PART 4 BY A PROFESSIONAL ENGINEER

CONCRETE FOUNDATIONS

- THE BOTTOM OF EVERY EXCAVATION SHALL BE FREE OF ORGANIC MATERIAL, KEPT FREE OF WATER AND FROM FREEZING DURING THE ENTIRE CONSTRUCTION
- CONCRETE SHALL CONFORM TO CAN/CSA A23.1 (SITE-BATCHED AS PER ARTICLES 9.3.1.2. TO 9.3.1.9.)
- REINFORCED FOR INSULATED CONCRETE FORM WALLS SHALL CONFORM TO CSA G30.18, HAVE A MINIMUM YIELD STRENGTH OF 400MPa AND BE LAPPED A MINIMUM OF 450mm FOR 10M BARS AND 650mm FOR 15m BARS
- COMPRESSIVE STRENGTH FOR INTERIOR FLOORS, FOOTINGS AND FOUNDATION WALLS SHALL BE 20MPa AFTER 28 DAYS.
- INTERIOR FLOORS ON GROUND SHALL BE A MINIMUM 25MPa AFTER 28 DAYS WHERE 6mil POLY IS NOT INSTALLED UNDER THE SLAB
- COMPRESSIVE STRENGTH FOR EXTERIOR FLATWORK (GARAGE FLOORS/CARPORTS) SHALL BE 32MPa WITH 5-8% AIR ENTRAINMENT
- FROST COVER TO CONFORM TO THE MINIMUM DEPTH REQUIREMENTS FOR THE GEOGRAPHICAL AREA THAT THE CONSTRUCTION PERTAINS TO
- FOUNDATION WALLS TO BE A MINIMUM 6" ABOVE THE FINISHED GRADE
- IN COLD WEATHER (<5°C), CONCRETE SHALL BE KEPT AT A MINIMUM 10°C AND NOT MORE THAN 25°C FOR 72h AFTER PLACING
- FOOTINGS SHALL REST ON STABLE UNDISTURBED SOIL OR ROCK WITH A MINIMUM ALLOWABLE BEARING PRESSURE OF 75KPA (COMPACTED GRANULAR FILL SHALL BE TESTED FOR BEARING PRESSURE AND FROST SUSCEPTIBILITY BY A SOILS ENGINEER PRIOR TO PLACEMENT OF CONCRETE)
- PIER TYPE FOUNDATIONS MAY BE USED FOR ONE STOREY STRUCTURES AND SHALL BE SPACED NOT MORE THAN 3.5M (11'-6") APART. THE HEIGHT OF THE PIERS SHALL BE NOT MORE THAN 3X THE LEAST DIMENSION AT THEIR BASE
- BACKFILL SHALL NOT DAMAGE THE FOUNDATION WALL AND SHALL NOT CONTAIN BOULDERS LARGER THAN 10" WITHIN 24" OF THE FOUNDATION WALL

WOOD-FRAME CONSTRUCTION

- ALL LUMBER SHALL BE GRADED, SPF NO 2 OR BETTER WITH A MAXIMUM MOISTURE CONTENT OF 19%
- ALL LVL TO BE GRADE 2.0 E OR BETTER, ALL NORDIC LAM TO BE 1.9 E OR BETTER
- MAXIMUM DEFLECTION OF STRUCTURAL MEMBERS SHALL CONFORM TO TABLE 9.4.3.1.
- WOOD FOUNDATIONS SHALL CONFORM TO CAN/CSA-S406 (CONSTRUCTION OF PRESERVED WOOD FOUNDATIONS)
- LUMBER SHALL BE PRESSURE-TREATED WHERE VERTICAL CLEARANCE IS LESS THAN 6" ABOVE GROUND (INCLUDING LUMBER IN CONTACT WITH CONCRETE ADJACENT TO GROUND UNLESS PROTECTED BY 6mil POLY OR TYPE S ROLL ROOFING)
- NAILING SHALL CONFORM TO TABLE 9.23.3.4.
- COLUMNS SHALL BE SECURELY FASTENED TO THE SUPPORTED MEMBER
- WHERE METAL JOISTS HANGERS ARE USED, ENSURE THE PROPER NAILS AND NUMBER OF NAILS ARE USED AND THE HANGERS ARE INSTALLED AS PER MANUFACTURES SPECIFICATIONS
- ALL FRAMED WALLS TO HAVE A MINIMUM 2x4 SILL PLATE AND TOP PLATE; LOAD BEARING WALLS TO BE FRAMED WITH TWO TOP PLATES UNLESS OTHERWISE PERMITTED BY CODE
- INTERIOR WALLS AND GARAGE EXTERIOR WALLS SHALL BE 2x4 STUDS @ 16" OR 24" O/C UNLESS OTHERWISE SPECIFIED
- ALL CONCEALED SPACES TO BE FIRE STOPPED BETWEEN FLOORS, CEILING, ROOFS AND AT STAIRS
- HEADER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOIST EXCEEDS 1200mm (3'-11") TO A MAXIMUM 3.2m (10'-6")
- TRIMMER JOISTS AROUND FLOOR OPENINGS SHALL BE DOUBLED WHEN THE LENGTH OF THE HEADER JOIST EXCEED 800mm (2'-7") TO A MAXIMUM OF 2m (6'-6")
- NON-LOADBEARING WALLS PARALLEL TO FLOOR JOISTS BELOW SHALL BE SUPPORTED ON JOISTS OR BLOCKING BETWEEN THE JOISTS
- POINT LOADS SHALL BE CONTINUOUSLY SUPPORTED DOWN TO FOUNDATION LEVEL
- PROVIDE SOLID BLOCKING IN HEADER SPACE AT FOUNDATION WALLS FOR POINT LOADS ABOVE
- MINIMUM 1½" BEARING FOR JOISTS AND MINIMUM 3½" BEARING FOR BEAMS
- UNLESS OTHERWISE NOTED ALL LINTELS ARE 2-2"x10" WITH 2-2"x4" OR 2-2"x6" ON EITHER SIDE
- METAL FLASHING, LINTELS, POSTS AND BEAMS TO BE PRIMED & PAINTED TO RESIST CORROSION
- MAXIMUM LOAD OF 36kN SHALL BE IMPOSED ON ADJUSTABLE STEEL COLUMNS CONFORMING TO CAN/CGS-7.2

ENERGY EFFICIENCY REQUIREMENTS

- SEE SB 12 EEDS FORM (IF APPLICABLE)
- WATER CLOSETS SHALL BE 4.8L PER FLUSH
- WHERE A NON-RECIRCULATING HOT WATER TANK DOES NOT HAVE AN INTEGRAL HEAT TRAP, A HEAT TRAP SHALL BE INSTALLED AT THE INLET AND OUTLET PIPING AS CLOSE TO THE TANK AS POSSIBLE
- INLET PIPES SHALL BE INSULATED BETWEEN THE HEAT TRAP AND THE TANK TO AN RSI OF 0.62
- THE FIRST 2.5m OF THE OUTLET PIPING SHALL BE INSULATED TO AN RSI OF 0.62
- DRAIN WATER HEAT RECOVERY UNITS SHALL BE :
  - = INSTALLED TO RECEIVE DRAIN WATER FROM UP TO 2 SHOWERS EXCEPT WHERE THERE ARE NO SHOWERS
  - = 42% EFFICIENT AS PER CSA B55.1
  - = INSTALLED IN AN UPRIGHT POSITION WITH COLD WATER INLET CONNECTION AT THE BOTTOM OF THE UNIT, DOWNSTREAM OF A WATER SOFTENER (IF INSTALLED) AND IN A CONDITIONED SPACE OR WARM SPACE (SEE SB 12 3.1.1.12 FOR MORE INFORMATION)

STAIRS & BALCONIES (INCLUDING DECKS)

- HANDRAILS TO COMPLY WITH SECTION 9.8 AND SB7 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- MAXIMUM STAIR RISE 200mm (7½")  
*NOTE: PUBLIC STAIRS MAX 180mm (7")*
- MINIMUM STAIR RUN 210mm (8¼") PLUS 25mm (1") NOSING  
*NOTE: PUBLIC STAIRS MIN 280mm 11"*
- MINIMUM STAIR HEADROOM 1950mm (6'-5")  
*NOTE: PUBLIC STAIRS MIN 2050mm (6'-9")*
- MINIMUM STAIR WIDTH 915mm (3'-0")
- VERTICAL HEIGHT BETWEEN ANY LANDING SHALL NOT EXCEED 3.7m (12'-1")
- RISERS SHALL HAVE A UNIFORM HEIGHT WITH A TOLERANCE NOT EXCEEDING 5mm (¼"); BETWEEN ADJACENT TREADS OR LANDINGS AND BETWEEN TALLEST AND SHORTEST RISERS
- EXTERIOR WOOD FRAMED STAIRS TO BE PROTECTED BY FROST HEAVE WHEN ATTACHED TO A FROST PROTECTED STRUCTURE [EITHER AT THE BASE (GROUND) OR BY ALLOWING FOR FROST MOVEMENT AT THE ATTACHMENT TO THE STRUCTURE]
- STAIR HANDRAIL HEIGHT 865mm-965mm (32"-38")
- HANDRAILS REQUIRED WHERE THERE ARE MORE THAN 2 INTERIOR RISERS AND MORE THAN 3 EXTERIOR RISERS
- TWO HANDRAILS ARE REQUIRED WHERE A STAIR IS 1100mm (3'-7" ) OR MORE IN WIDTH (EXCEPT SERVING ONLY ONE DWELLING UNIT)
- AT LEAST ONE HANDRAIL SHALL BE CONTINUOUS EXCEPT AT DOORWAYS, LANDINGS AND NEWEL POSTS IN A CHANGE OF DIRECTION
- EXTERIOR CONCRETE STAIRS WITH MORE THAN TWO RISERS/TREADS SHALL BE SUPPORTED ON MINIMUM 150mm (6") THICK FOUNDATION OR BE CANTILEVERED TO FOUNDATION WALLS AT LEAST 200mm (8") THICK
- STAIR MANUFACTURE TO PROVIDE SHOP DRAWINGS & DETAILS OF STAIRS, RAILINGS AND GUARDS PRIOR TO CONSTRUCTION.

GUARDS

- GUARDS TO COMPLY WITH SECTION 9.8 AND SB7 OF THE ONTARIO BUILDING CODE (LATEST EDITION)
- GUARDS ARE REQUIRED WHEN THE ADJACENT WALKING SURFACE IS; MORE THAN 600mm (24"), MORE THAN TWO INTERIOR STAIRS HIGH OR A RAMP 400mm (16") HIGH
- MINIMUM HEIGHT FOR GUARDS SHALL BE; 920mm (36"), 1070mm (42") AT LANDINGS & WHERE ADJACENT WALKING SURFACE IS MORE THAN 1800mm (5'-11")
- FOR EXTERIOR STAIRS AND LANDINGS MORE THAN 10m (32'), GUARDS SHALL BE A MINIMUM 1500mm (5') HIGH
- GUARDS SHALL BE DESIGNED TO PREVENT CLIMBING EXCEPT AS OTHERWISE PERMITTED BY CODE
- PROTECTION OF WINDOWS AS PER 9.8.8.1. (5) TO (9)

HEATING & VENTILATION

- AS PER PART 6, SUBSECTION 9.32 AND 9.33

ELECTRICAL

- AS PER SUBSECTION 9.34 AND THE ELECTRICAL SAFETY ACT

ATTIC ACCESS (WITHOUT OCCUPANCY OR APPLIANCES)

- ACCESS: 20"x28" FOR SINGLE FAMILY DWELLING (22"x36" OTHERWISE)
- ACCESS REQUIRED FOR SPACE 24" OR MORE IN A 100 sqft AREA WITH NO DIMENSION LESS THAN 3'

WINDOWS & DOORS

- MAIN ENTRANCE DOOR TO DWELLING UNITS SHALL BE PROVIDED WITH A DOOR VIEWER, GLAZING OR SIDELIGHT, HAVE WEATHERSTRIPPING AND RESIST ENTRY
- GARAGE DOOR ENTRANCE TO DWELLING UNITS SHALL HAVE WEATHERSTRIPPING AND INSTALLED WITH A CLOSURE (FUME PROOF)
- DWELLING UNIT WINDOWS WITHIN 2m OF ADJACENT GROUND SHALL RESIST FORCED ENTRY
- WHERE DOORS ARE REQUIRED TO RESIST ENTRY, PROVIDE SOLID BLOCKING ON BOTH SIDES AT LOCK HEIGHT BETWEEN JAMBS
- WINDOWS AND DOORS SHALL BE DESIGNED TO RESIST SURFACE CONDENSATION AND COMPLY WITH THE THERMAL CHARACTERISTICS OF TABLE 9.7.3.3. (OR SB12 AS REQUIRED)

WINDOW MINIMUM EGRESS REQUIREMENTS

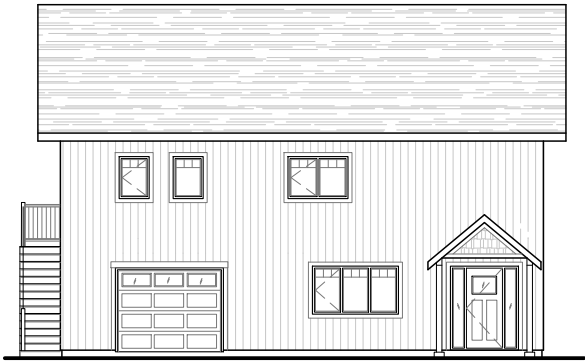
- OPENABLE FROM INSIDE WITHOUT THE USE OF TOOLS
  - MINIMUM OPENBLE AREA OF 3.78sqft WITH NO DIMENSION LESS THAN 15"
  - MAINTAIN THE REQUIRED OPENING WITHOUT ADDITIONAL SUPPORT
- NOTE: UNLESS A DOOR ON THAT LEVEL LEADS DIRECTLY OUTSIDE

SMOKE ALARMS

- CONFORM TO CAN/ULC-S531
- SHALL HAVE A VISUAL SIGNALING COMPONENT CONFORMING TO NFPA 72 (18.5.3.), BE INTEGRATED OR INTERCONNECTED/SYNCHRONIZED WITH BATTERY BACKUP
- INSTALLED ON ALL FLOOR LEVELS, IN EACH BEDROOM AND BETWEEN THE BEDROOM AND THE REST OF THE STOREY (HALLWAY)
- INSTALLED AS PER CAN/ULC-S553
- SHALL BE INTERCONNECTED ON A PERMANENT ELECTRICAL CIRCUIT WITH NO DISCONNECT SWITCH


CARBON MONOXIDE ALARMS

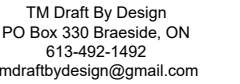
- CONFORM TO CAN/CSA-6.19 OR UL 2034
- INSTALL ADJACENT TO EACH SLEEPING AREA IN ALL BUILDINGS THAT CONTAIN A RESIDENTIAL OCCUPANCY WITH A FUEL-BURNING APPLIANCE OR STORAGE GARAGE
- INSTALL IN A SERVICE ROOM
- SHALL BE INTERCONNECTED ON A PERMANENT ELECTRICAL CIRCUIT WITH NO DISCONNECT SWITCH



GENERAL ABBREVIATIONS

- PT = PRESSURE TREATED
- AA = ATTIC ACCESS
- DW = DISHWASHER
- W = CLOTHES WASHER
- D = CLOTHES DRYER
- W/D = STACKABLE WASHER/DRYER
- F = FRIDGE
- WR = WINE RACK
- M = MICROWAVE
- WO = WALL OVEN
- CT = CERAMIC TILE FLOOR FINISH
- HW = HARDWOOD FLOOR FINISH
- CPT = CARPET FLOOR FINISH
- LAM = LAMINATE
- VN = HIGHER END VINYL
- HWT - HOT WATER TANK (SECURE TO STRUCTURE)
- HEF = HIGH EFFICIENCY FURNACE
- HRV - HEAT RECOVERY VENTILATOR
- FD = FLOOR DRAIN (C/W TRAP SEAL & PRIMER)
- EP = ELECTRICAL PANEL
- LVL = ENGINEERED BEAM (BY MANUFACTURER IF NOT SIZED)
- FP = FIREPLACE
- UON = UNLESS OTHERWISE NOTED
- TBD = TO BE DETERMINED
- TBC = TO BE CONFIRMED/COMPLETED

 TM Draft By Design PO Box 330 Braeside, ON 613-492-1492 tmdraftbydesign@gmail.com	Professional Seal	Professional Seal  The undersigned has reviewed and takes responsibility for the design activities as defined by the Ontario Building Code and has the Qualifications and meets the requirements as set out in the Ontario Building Code. These drawings are the property of the designer. Any duplicates not intended for this project are not permitted unless written permission is given separately by the undersigned.	QUALIFICATION INFORMATION TARA MAY-BROTTON 26706 Name BCIN  Signature  REGISTRATION INFORMATION TM DRAFT BY DESIGN 43358 Firm Name BCIN	Project Information  SINGLE FAMILY DWELLING AND GARAGE  CHESLOCK RESIDENCE 474 BARR SIDE RD PAKENHAM, ONTARIO	Project Start January 2021	Sheet Title COVER PAGE	
					Last Saved March 1, 2021		
					Revisions NO. DESCRIPTION DATE 1 For Review Mar 01/21	Scale DO NOT SCALE DWGS	
						Sheet A0.0	1/11



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TARA MAY-BROTTON	26706
Name	BCIN

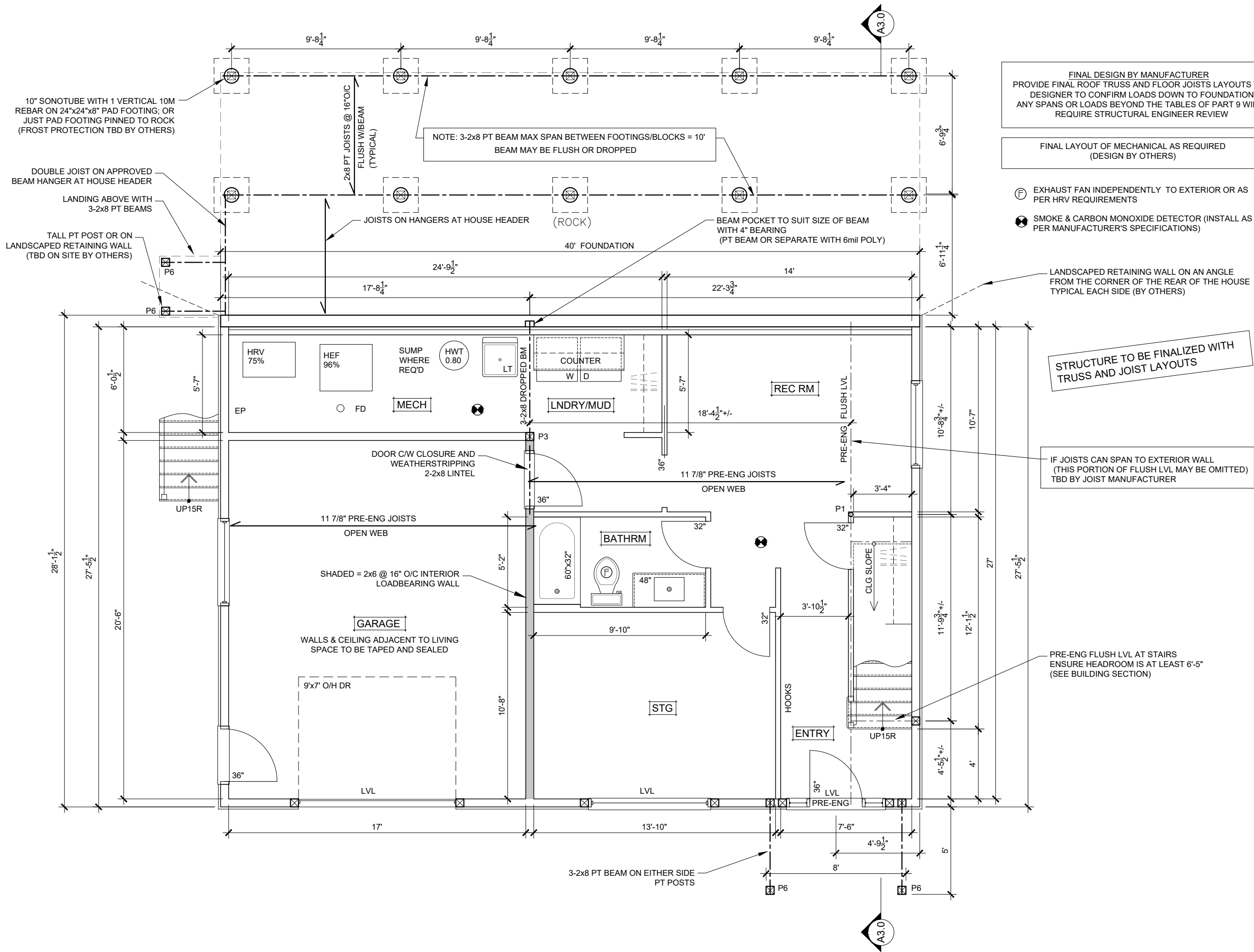
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Firm Name	BCIN

CHESLOCK RESIDENCE  
474 BARR SIDE RD  
PAKENHAM, ONTARIO

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Sheet **A1.0** 2/11





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QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706  
Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358  
Firm Name BCIN

Project Information

SINGLE FAMILY DWELLING  
AND GARAGE

CHESLOCK RESIDENCE  
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NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title

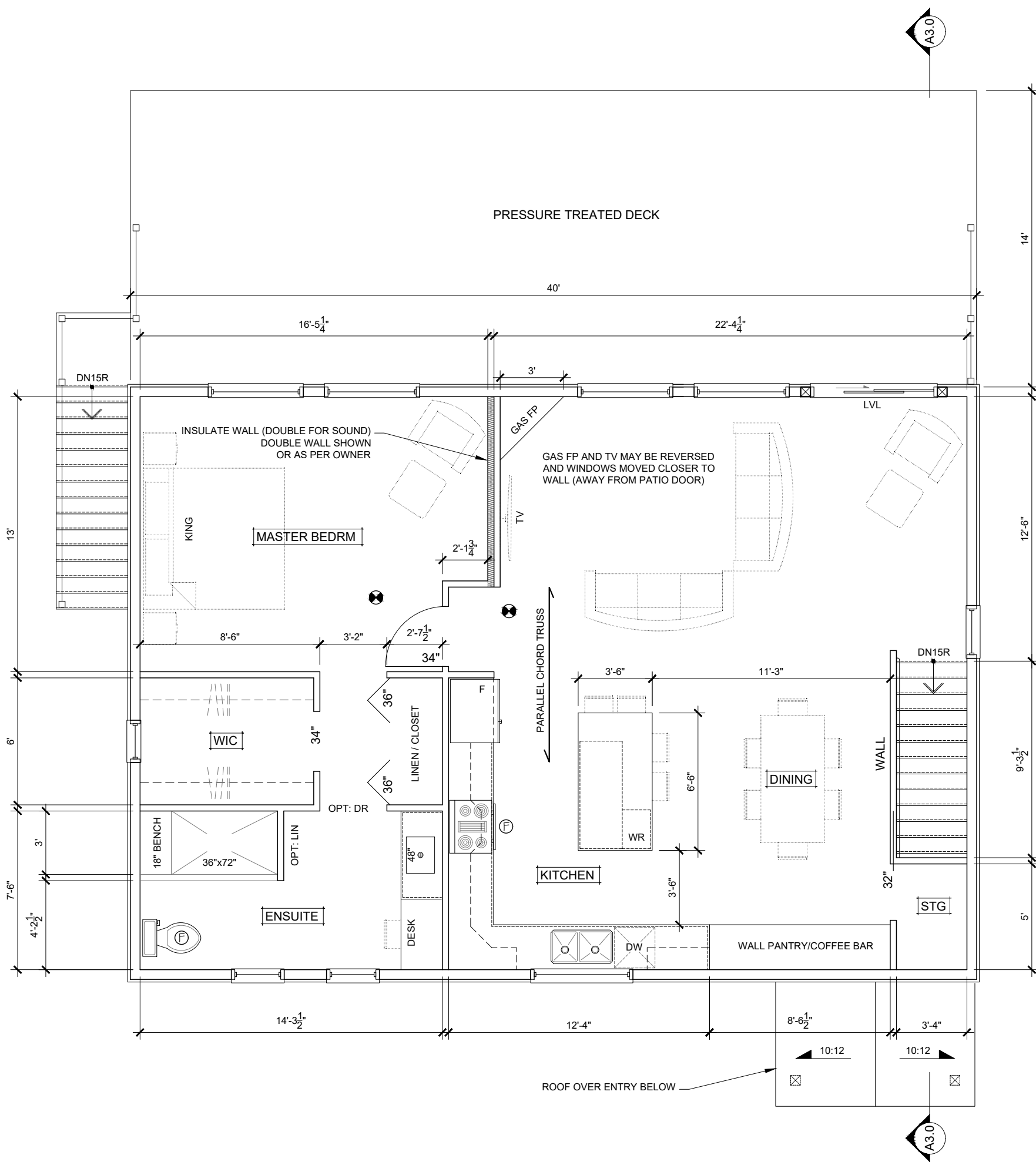
GROUND FLOOR  
PLAN

Scale

3/16" = 1'-0"

Sheet

A1.1 3/11



FINAL DESIGN BY MANUFACTURER  
PROVIDE FINAL ROOF TRUSS AND FLOOR JOISTS LAYOUTS TO  
DESIGNER TO CONFIRM LOADS DOWN TO FOUNDATION  
ANY SPANS OR LOADS BEYOND THE TABLES OF PART 9 WILL  
REQUIRE STRUCTURAL ENGINEER REVIEW

FINAL LAYOUT OF MECHANICAL AS REQUIRED  
(DESIGN BY OTHERS)

FINAL LAYOUT OF KITCHEN AS PER OWNER  
(DESIGN BY OTHERS)

- Ⓢ EXHAUST FAN INDEPENDENTLY TO EXTERIOR OR AS  
PER HRV REQUIREMENTS
- ☼ SMOKE & CARBON MONOXIDE DETECTOR (INSTALL AS  
PER MANUFACTURER'S SPECIFICATIONS)

STRUCTURE TO BE FINALIZED WITH  
TRUSS AND JOIST LAYOUTS



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Professional Seal

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responsibility for the design activities as defined  
by the Ontario Building Code and has the  
Qualifications and meets the requirements as  
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QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706  
Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358  
Firm Name BCIN

Project Information	
SINGLE FAMILY DWELLING AND GARAGE	
CHESLOCK RESIDENCE 474 BARR SIDE RD PAKENHAM, ONTARIO	
Project Start	January 2021
Last Saved	March 1, 2021
Revisions	
NO.	DESCRIPTION
1	For Review
DATE	
Mar 01/21	
Sheet Title	
SECOND FLOOR PLAN	
Scale	
3/16" = 1'-0"	
Sheet	A1.2
	4/11



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Professional Seal

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QUALIFICATION INFORMATION

TARA MAY-BROTTON	26706
Name	BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN	43358
Firm Name	BCIN



Project Information

SINGLE FAMILY DWELLING  
AND GARAGE

CHESLOCK RESIDENCE  
474 BARR SIDE RD  
PAKENHAM, ONTARIO

Project Start January 2021

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NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title  
FRONT ELEVATION

Scale  
3/16" = 1'-0"

Sheet	A2.0	5/11
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Professional Seal

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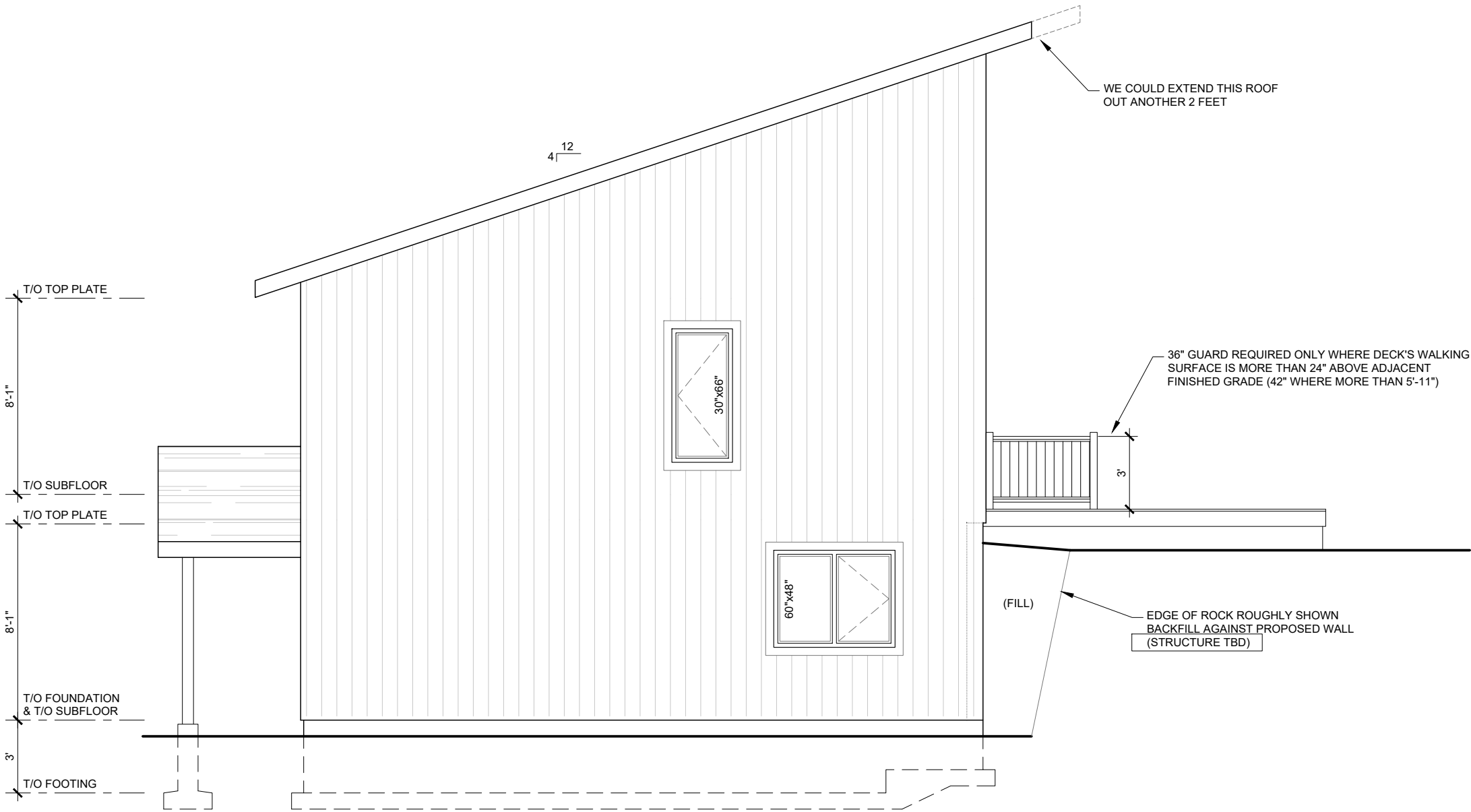
QUALIFICATION INFORMATION

TARA MAY-BROTTON 26706  
Name BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358  
Firm Name BCIN



Project Information

SINGLE FAMILY DWELLING  
AND GARAGE

CHESLOCK RESIDENCE  
474 BARR SIDE RD  
PAKENHAM, ONTARIO

Project Start January 2021

Last Saved March 1, 2021

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title  
RIGHT ELEVATION

Scale  
3/16" = 1'-0"

Sheet  
A2.1 6/11



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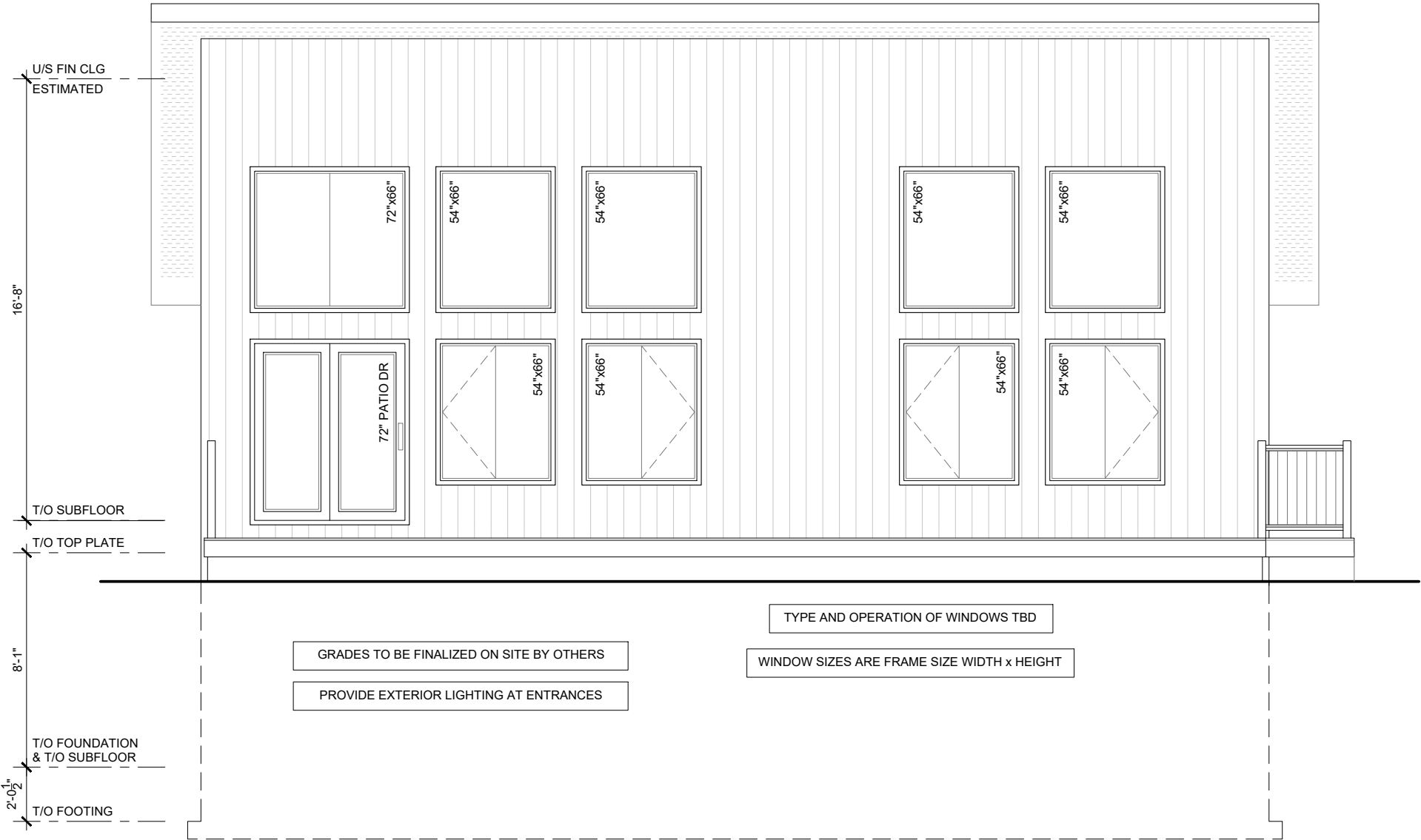
QUALIFICATION INFORMATION

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Name BCIN

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REGISTRATION INFORMATION

TM DRAFT BY DESIGN 43358  
Firm Name BCIN



Project Information

SINGLE FAMILY DWELLING  
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CHESLOCK RESIDENCE  
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Project Start January 2021

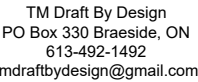
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NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title  
REAR ELEVATION

Scale  
3/16" = 1'-0"

Sheet  
A2.2 7/11



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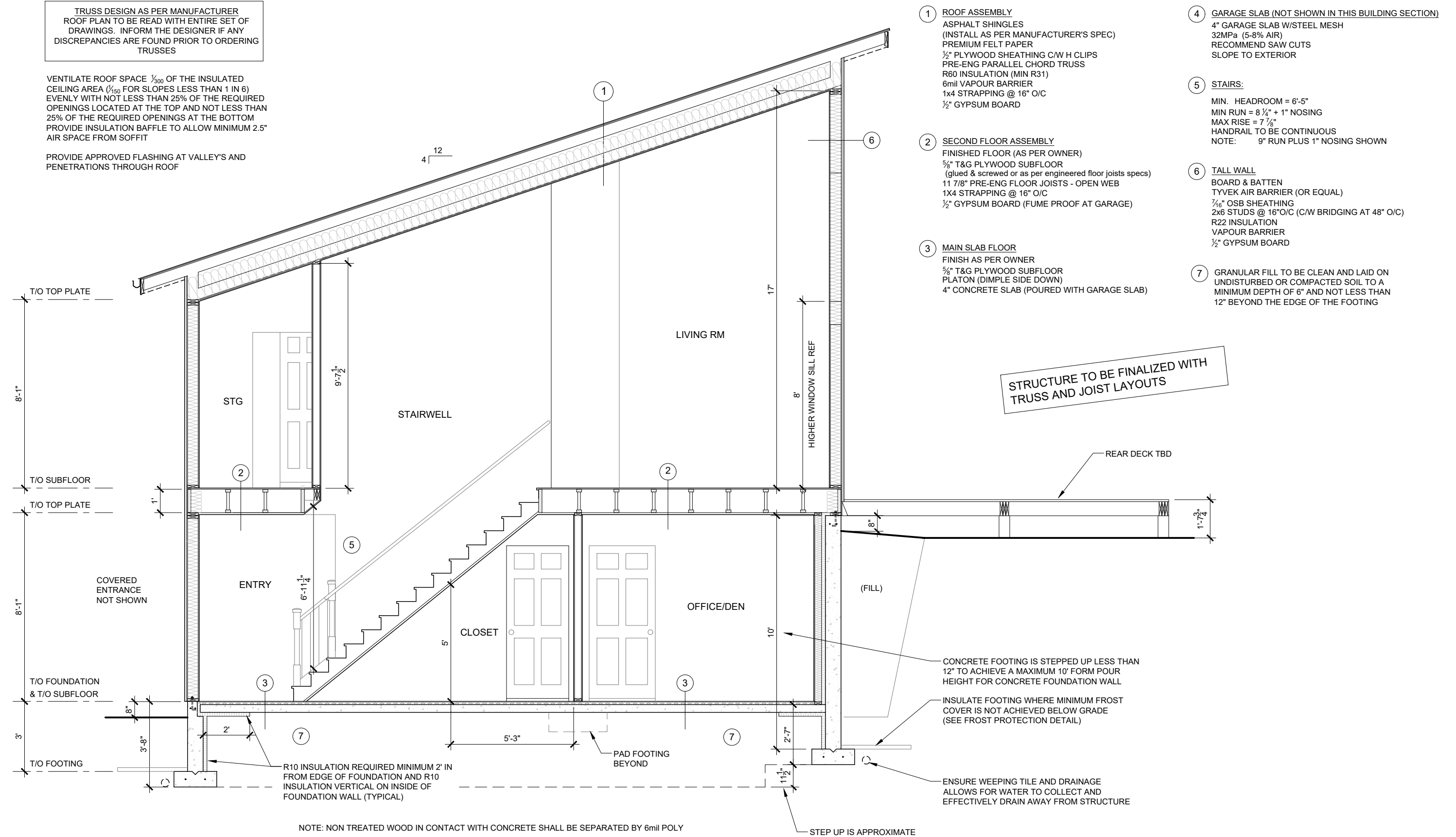
TARA MAY-BROTTON	26706
Name	BCIN

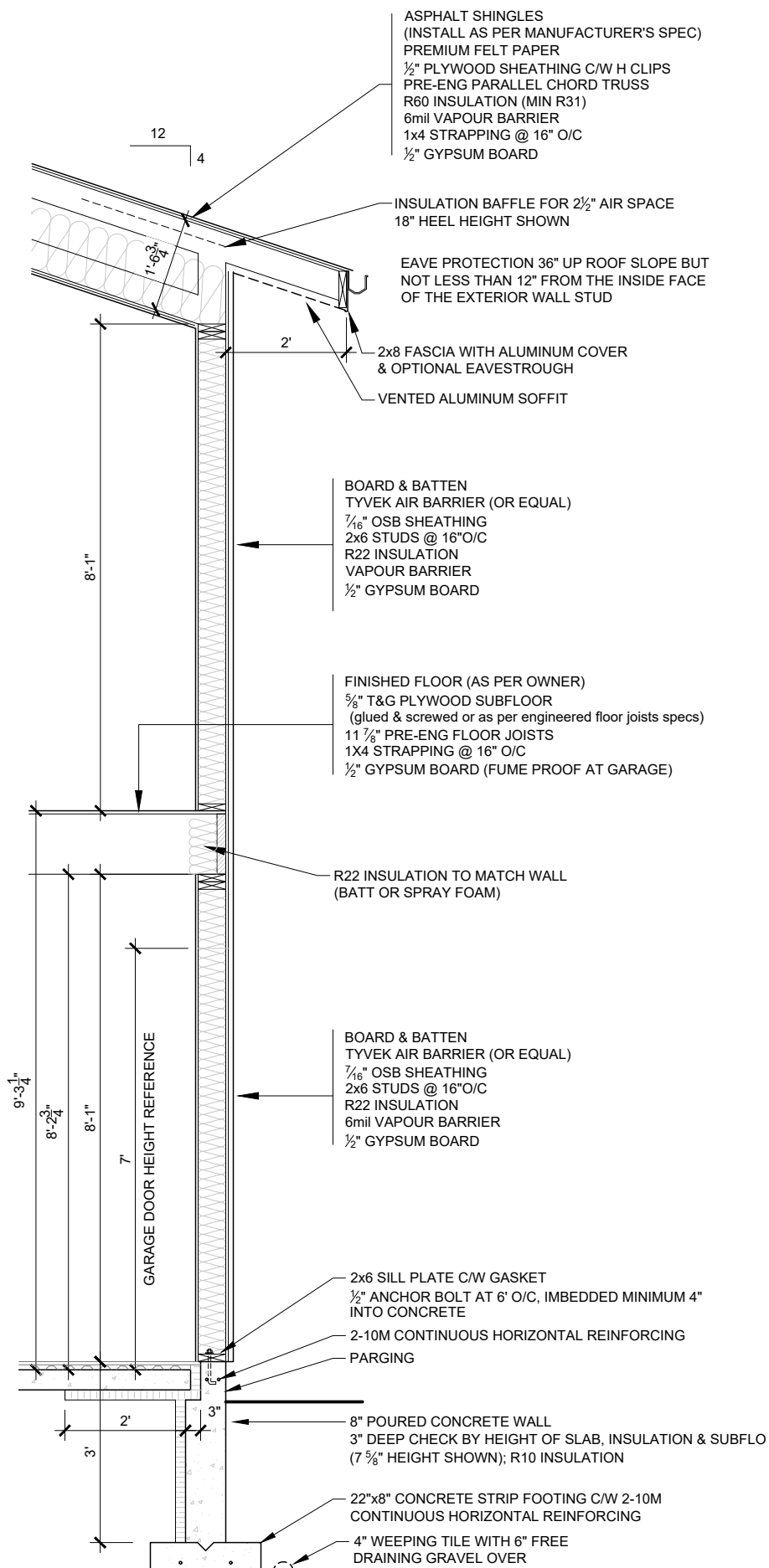
TM DRAFT BY DESIGN	43358
Firm Name	BCIN

CHESLOCK RESIDENCE  
474 BARR SIDE RD  
PAKENHAM, ONTARIO

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

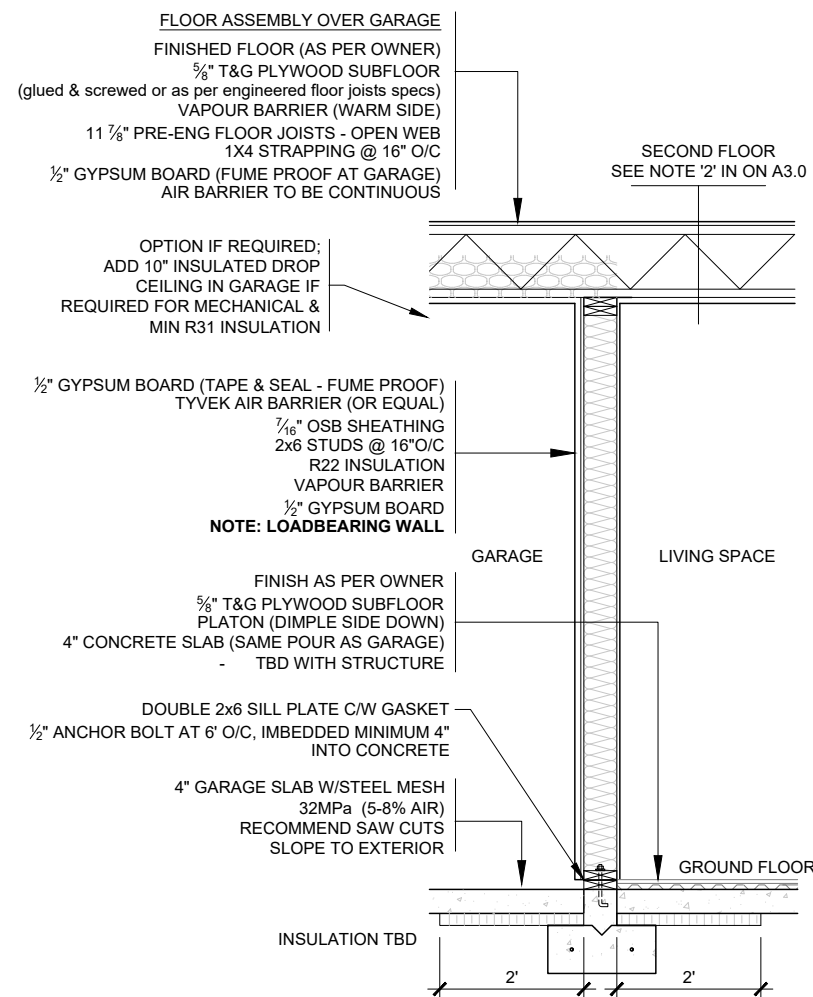
Sheet **A2.3** 8/11





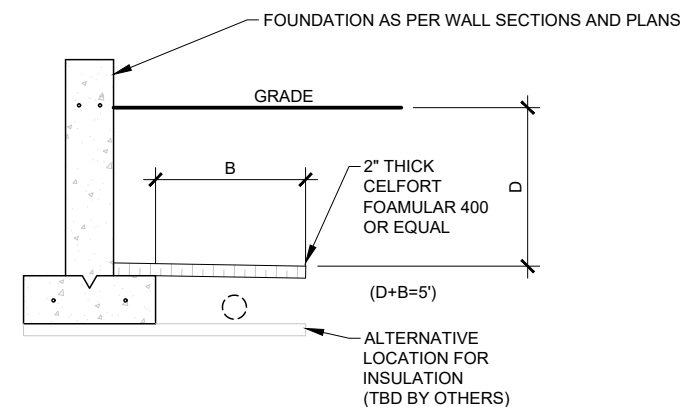
WALL SECTION AT HOUSE

SCALE: 3/8" = 1'



WALL SECTION AT GARAGE

SCALE: 3/8" = 1'



FROST PROTECTION DETAIL

SCALE: 3/8" = 1'



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QUALIFICATION INFORMATION

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Signature

REGISTRATION INFORMATION

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Firm Name BCIN

STRUCTURE TO BE FINALIZED

Project Information

SINGLE FAMILY DWELLING  
AND GARAGE

CHESLOCK RESIDENCE  
474 BARR SIDE RD  
PAKENHAM, ONTARIO

Project Start January 2021

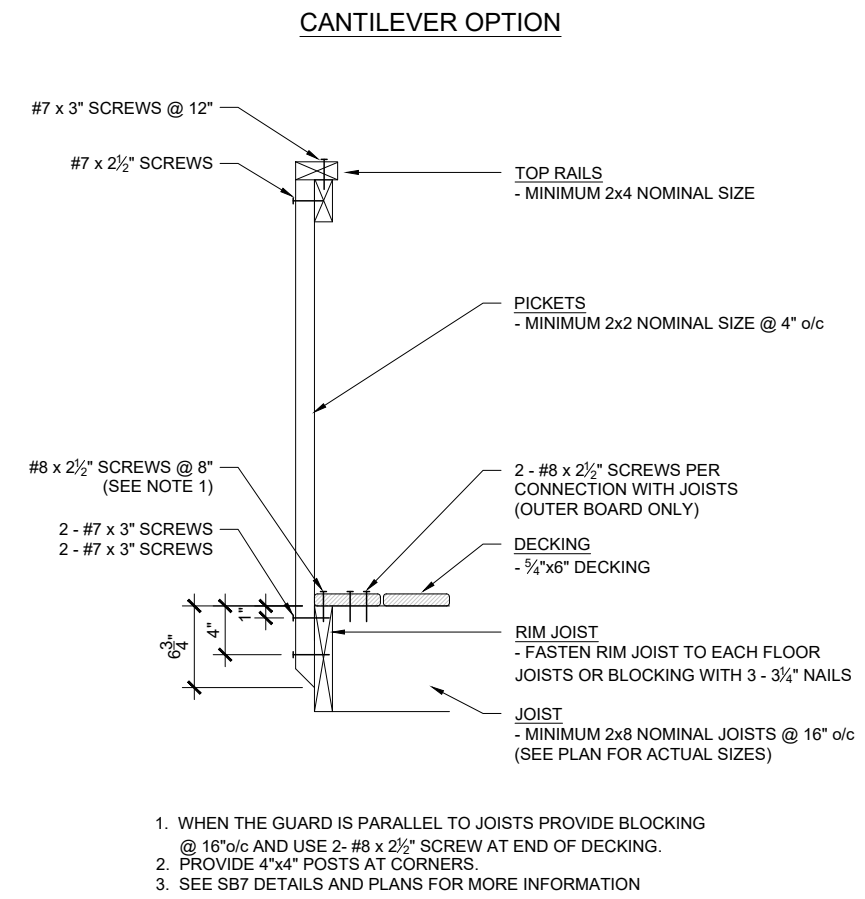
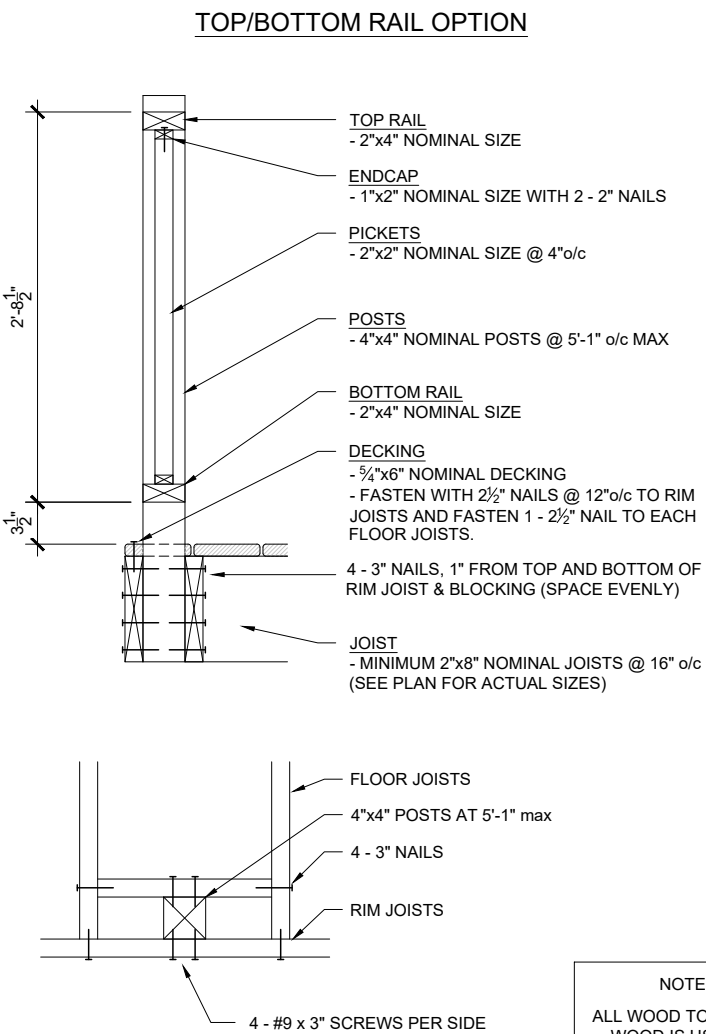
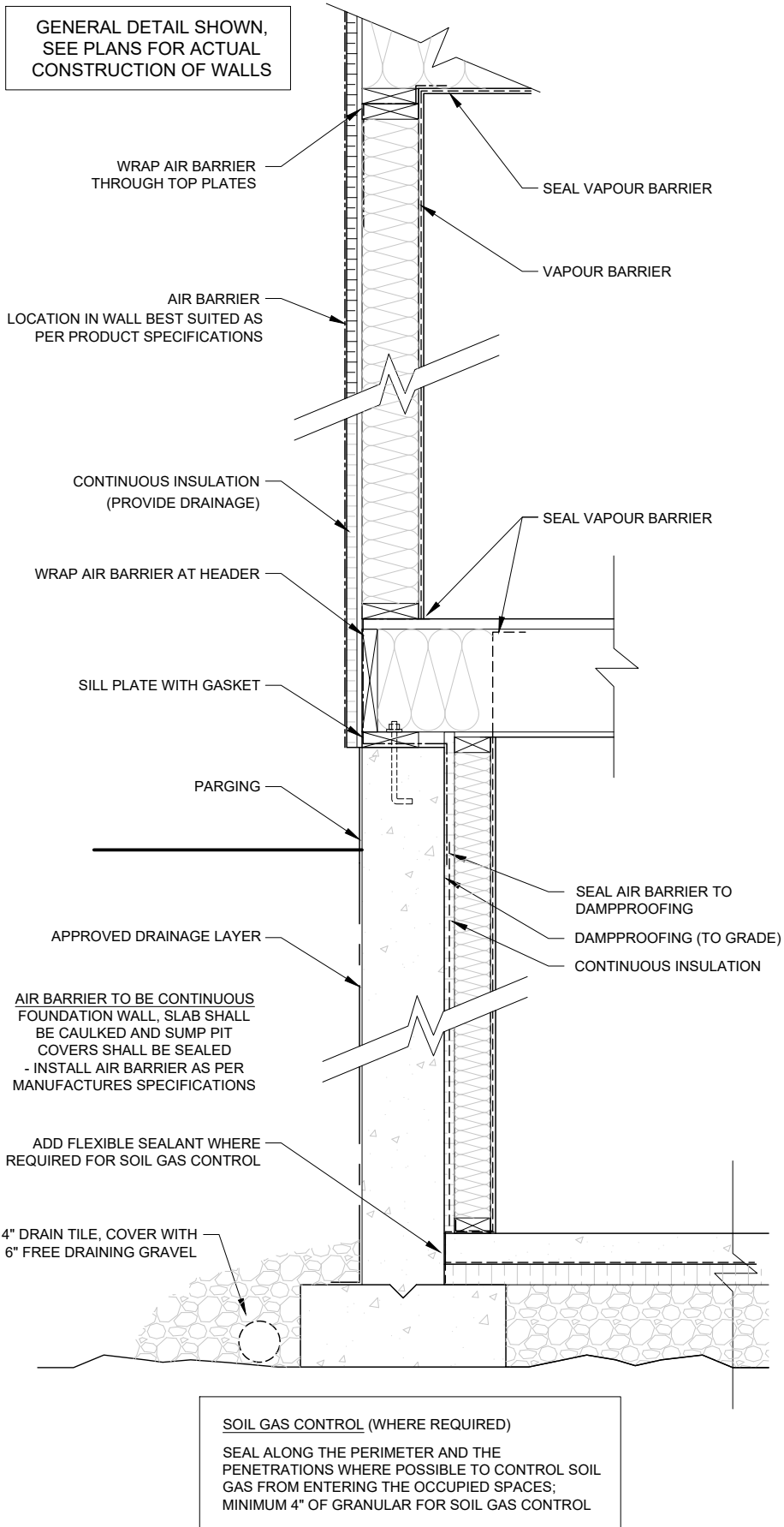
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NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title  
WALL SECTIONS

Scale  
AS NOTED

Sheet  
A4.0 10/11



NOTES BELOW ARE TYPICAL FOR ALL DECKS...

ALL WOOD TO BE PRESSURE TREATED (PT), WHERE CEDAR WOOD IS USED, REDUCE SPANS IN ACCORDANCE WITH SB7. OTHER APPROVED DECK PRODUCTS MAY BE USED AND SHALL FOLLOW MANUFACTURES SPECIFICATIONS.

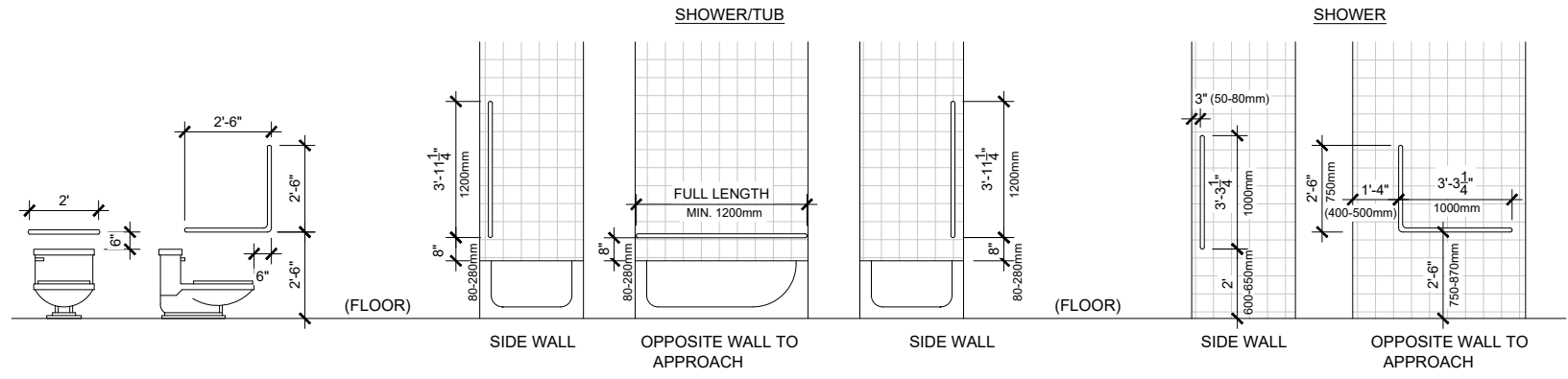
SEE SB7 DETAILS AND PLANS FOR MORE INFORMATION

2  
A5.0

- PROVIDE REINFORCEMENT ADJACENT TO:

- THE WATER CLOSET FOR GRAB BARS AS PER 3.8.3.8.(3)(a)(c)
- THE SHOWER FOR A GRAB BAR AS PER 3.8.3.13.(2)(g)
- THE BATHTUB FOR A GRAB BAR AS PER 3.8.3.13.(4)(e)

GRAB BARS SHALL RESIST AT LEAST 1.3kN WHEN APPLIED VERTICALLY OR HORIZONTALLY



3  
A5.0

## DECK GUARD RAIL DETAILS (SB7)

3/4" = 1'

1  
A5.0

## AIR AND VAPOUR BARRIER DETAILS

3/4" = 1'

## STUD WALL REINFORCEMENT

3/16" = 1'



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QUALIFICATION INFORMATION

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Name	BCIN

Signature

REGISTRATION INFORMATION

TM DRAFT BY DESIGN	43358
Firm Name	BCIN

Project Information

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Project Start January 2021

Last Saved March 1, 2021

Revisions

NO.	DESCRIPTION	DATE
1	For Review	Mar 01/21

Sheet Title

GENERAL DETAILS

Scale AS NOTED

Sheet A5.0 11/11



**Schedule B – Site Photos**



From the Road





Looking East between the Primary Residence and the New Location



Looking East between Primary Residence and the Proposed Building Site.





From the West Looking towards the Principle Residence

**Schedule C** – Energy Efficiency Letter

# Energy Efficiency Design Summary: Prescriptive Method

(Building Code Part 9, Residential)

This form is used by a designer to demonstrate that the energy efficiency design of a house complies with the building code using the prescriptive method described in Subsection 3.1.1. of SB-12. This form is applicable where the ratio of gross area of windows/sidelights/skylights/glazing in doors and sliding glass doors to the gross area of peripheral walls is not more than 22%.

For use by Principal Authority	
Application No:	Model/Certification Number

## A. Project Information

Building number, street name 474 Barr Side Rd		Unit number	Lot/Con
Municipality Pakenham Mills	Postal code	Reg. Plan number / other description	

## B. Prescriptive Compliance [indicate the building code compliance package being employed in this house design]

SB-12 Prescriptive (input design package):	Package: <u>A1</u>	Table: <u>3.1.1.2.A</u>
--	--------------------	-------------------------

## C. Project Design Conditions

Climatic Zone (SB-1):	Heating Equipment Efficiency	Space Heating Fuel Source
<input checked="" type="checkbox"/> Zone 1 (< 5000 degree days)	<input checked="" type="checkbox"/> ≥ 92% AFUE	<input type="checkbox"/> Gas <input type="checkbox"/> Propane <input type="checkbox"/> Solid Fuel
<input type="checkbox"/> Zone 2 (≥ 5000 degree days)	<input type="checkbox"/> ≥ 84% < 92% AFUE	<input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Earth Energy
Ratio of Windows, Skylights & Glass (W, S & G) to Wall Area	Other Building Characteristics	
Area of walls = _____ m <sup>2</sup> or <u>2688</u> ft <sup>2</sup>	<input type="checkbox"/> Log/Post&Beam <input type="checkbox"/> ICF Above Grade <input type="checkbox"/> ICF Basement	
	<input checked="" type="checkbox"/> Slab-on-ground <input type="checkbox"/> Walkout Basement	
	<input type="checkbox"/> Air Conditioning <input type="checkbox"/> Combo Unit	
	<input type="checkbox"/> Air Sourced Heat Pump (ASHP)	
	<input type="checkbox"/> Ground Sourced Heat Pump (GSHP)	
Area of W, S & G = _____ m <sup>2</sup> or <u>368.5</u> ft <sup>2</sup>	W, S & G % = <u>13.7%</u>	
	Utilize window averaging: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## D. Building Specifications [provide values and ratings of the energy efficiency components proposed]

Energy Efficiency Substitutions			
<input type="checkbox"/> ICF (3.1.1.2.(5) & (6) / 3.1.1.3.(5) & (6)) <input type="checkbox"/> Combined space heating and domestic water heating systems (3.1.1.2.(7) / 3.1.1.3.(7))			
<input type="checkbox"/> Airtightness substitution(s) Airtightness test required (Refer to Design Guide Attached)			
<input type="checkbox"/> Table 3.1.1.4.B Required: _____ Permitted Substitution: _____ <input type="checkbox"/> Table 3.1.1.4.C Required: _____ Permitted Substitution: _____		Required: _____ Permitted Substitution: _____	
Building Component	Minimum RSI / R values or Maximum U-Value <sup>(1)</sup>	Building Component	Efficiency Ratings
<b>Thermal Insulation</b>	Nominal Effective	<b>Windows &amp; Doors</b> Provide U-Value <sup>(1)</sup> or ER rating	
Ceiling with Attic Space	<u>60</u>	Windows/Sliding Glass Doors	<u>0.28</u>
Ceiling without Attic Space	<u>31</u>	Skylights/Glazed Roofs	<u>0.49</u>
Exposed Floor	<u>31</u>	<b>Mechanicals</b>	
Walls Above Grade	<u>22</u>	Heating Equip.(AFUE)	<u>96%</u>
Basement Walls	<u>R12+100</u>	HRV Efficiency (SRE% at 0°C)	<u>75%</u>
Slab (all >600mm below grade)	<u>-</u>	DHW Heater (EF)	<u>0.80</u>
Slab (edge only ≤600mm below grade)	<u>10</u>	DWHR (CSA B55.1 (min. 42% efficiency))	# Showers <u>2</u>
Slab (all ≤600mm below grade, or heated)	<u>10</u>	Combined Heating System	

(1) U value to be provided in either W/(m<sup>2</sup>•K) or Btu/(h•ft<sup>2</sup>•F) but not both.

## E. Designer(s) [name(s) & BCIN(s), if applicable, of person(s) providing information herein to substantiate that design meets the building code]

Qualified Designer Declaration of designer to have reviewed and take responsibility for the design work.		
Name	BCIN	Signature
Tara May-Brotton (TM Draft by Design)	26706	