

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
PLANNING REPORT

MEETING DATE: Wednesday, September 23rd, 2020 @ 5:30pm

TO: Committee of Adjustment

FROM: Tyler Duval – Municipal Planning Consultant

SUBJECT: **MINOR VARIANCE APPLICATION A-12-20**
Part Lot 1, Concession 9
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 175 Borden Road

OWNER: Todd Irick

APPLICANT: Todd Irick

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described Part Lot 1, Concession 9, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 175 Borden Road, to permit the raising an existing non-conforming dwelling unit by 1.2 m (4 feet), subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the Owners obtain all required building permits; and**
- 3. That the Owners obtain all required permits from the Mississippi Valley Conservation Authority (MVCA).**

PURPOSE AND EFFECT

The owner/applicant is requesting permission to raise the **existing legal non-conforming dwelling** and associated decks by 1.2 metres (4') to floodproof the foundation. Permission is required from the Committee of Adjustment prior to making alterations to a legal non-conforming use. The Minor Variance request is outlined below.

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

Section	Zoning Provision	By-law Requirement	Requested
6.14	Non-Conforming Uses	“restoration does not increase the height of a building”	Building to be raised by 1.2 m (4')

The subject property abuts the Mississippi River and is partially defined within the “Flood Plain” designation which corresponds with the “Environmental Hazard (EH)” Zone. The existing

dwelling and deck are located entirely within the EH Zone. The application requests permission to raise the existing dwelling (and deck) in order to floodproof the buildings/structures. The building footprint and lot coverage are not proposed to increase as a result of this application.

DESCRIPTION OF SUBJECT LANDS

The subject property is located on Borden Road within Ramsay Ward. The property is $\pm 7,608$ m² (1.88 acres) in size with a frontage of ± 107.9 m (354 ft). The property is presently occupied by an existing legal non-conforming single detached dwelling. 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 private well and septic services and has driveway access from Borden Road, a private road. Municipal servicing or 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 comments received.

Fire Chief: No objections.

Acting Director of Roads and Public Works: Borden Road is a private road – no comments at this time.

Recreation Coordinator: No objections.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority (MVCA): Permit is required from MVCA, given that the location of the dwelling and deck are within the Regulation Limit (i.e. within 15 m) of the 1:100 year flood plain.

Leeds, Grenville and Lanark District Health Unit: No comments received.

COMMENTS FROM THE PUBLIC

No comments received.

EVALUATION

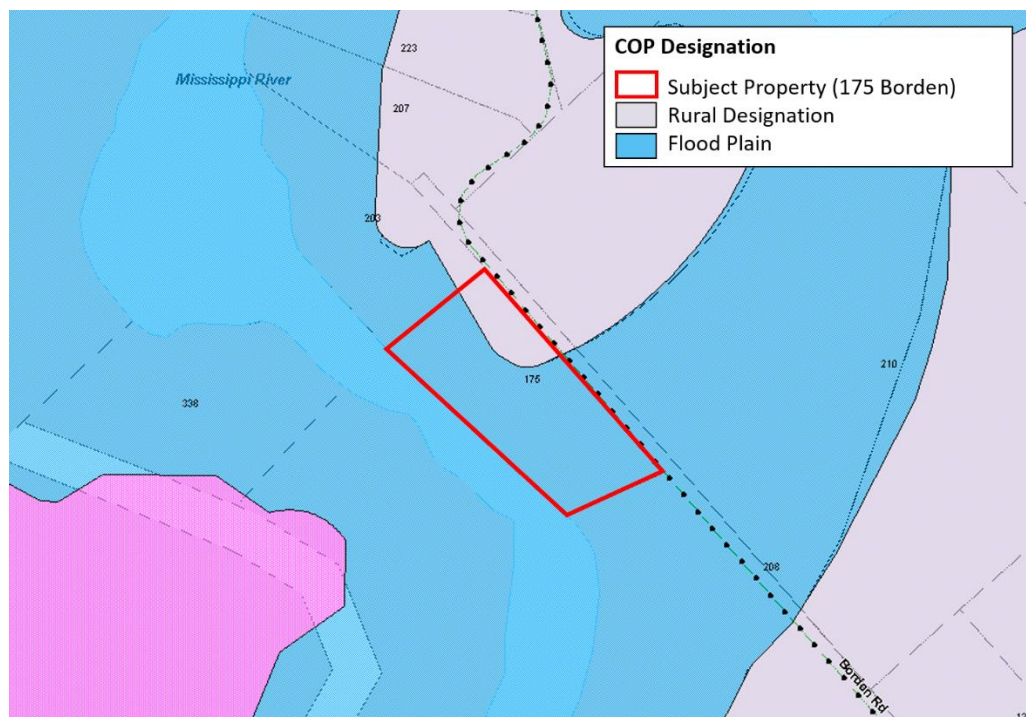
FOUR TESTS

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 (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 'Rural' and 'Flood Plain' in the Municipality's Community Official Plan (COP). Figure 2 depicts the COP designations of the subject property:

Figure 2 – COP Designations



The Rural designation permits non-farm residential dwellings and accessory uses in accordance with the Residential policies of the COP. The Flood Plain designation identifies watersheds within the jurisdiction of the Mississippi Valley Conservation Authority. The Floodplain designation permits existing development within the floodplain. Policy 3.1.7.1.2.1 provides the following policy:

3.1.7.1.4 1. Minor expansions or alterations to existing buildings or structures within the flood plain may be permitted where it is demonstrated to the satisfaction of the Municipality and MVCA that:

- No adverse effects on the hydraulic characteristics of flood plains shall occur;
- No new dwelling units are created;
- MVCA floodproofing requirements can be met, and a permit is obtained from MVCA; and,
- The proposal meets all other relevant policies of this Plan including setbacks and natural vegetative buffer.

The proposed alterations of the legal non-conforming dwelling and accessory structure (deck) are deemed to be minor in nature as the building footprint in the floodplain is not increasing, nor is there a proposed change of use.

No adverse impacts are foreseen from the minor alterations, conversely, the alterations will improve the conditions within the flood plain. Permits from the MVCA and Building Department will be required prior to altering the structures.

Staff is of the opinion that the requested permission 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 “Rural (RU)” and “Environmental Hazard (EH)” by the Municipality’s Comprehensive Zoning By-law #11-83. The location of the dwelling and accessory structures subject to this application fall entirely within the EH Zone. The subject structures have legal non-conforming status and are permitted on the property.

As per Section 37.2 (2) of the Zoning By-law, all permitted buildings and structure must receive the written approval of the Mississippi Valley Conservation Authority. The MVCA has no objection to the proposed alterations to the existing structures.

Given that the proposed floodproofing will not further increase the non-complying or non-conforming nature of the subject property, Staff is of the opinion that the proposed Minor Variance 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 as it will improve the existing building by means of floodproofing. There are no anticipated impacts to adjacent properties or to the natural environment.

Therefore, Staff is of the opinion that the proposal is a desirable and appropriate.

4. Is the proposal minor?

Raising the existing dwelling and accessory building by 1.2 metres (4 feet) in order to properly protect/repair them while improving floodproofing measures is minor in nature. The quality of the structures will be improved without any foreseeable negative impacts to the property in question or those neighbouring.

Staff is of the opinion that the application is minor in nature.

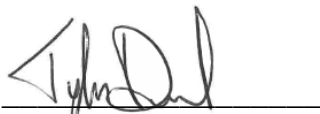
CONCLUSION

Staff is in support of the Minor Variance application. The permission to raise the existing dwelling and deck will allow the owners to maximize the use, enjoyment and safety of their property with no foreseeable impacts. Staff believes that Minor Variance Application A-12-20 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;**
- 2. That the Owners obtain all required building permits; and**
- 3. That the Owners obtain all required permits from the Mississippi Valley Conservation Authority (MVCA).**

All of which is respectfully submitted by,



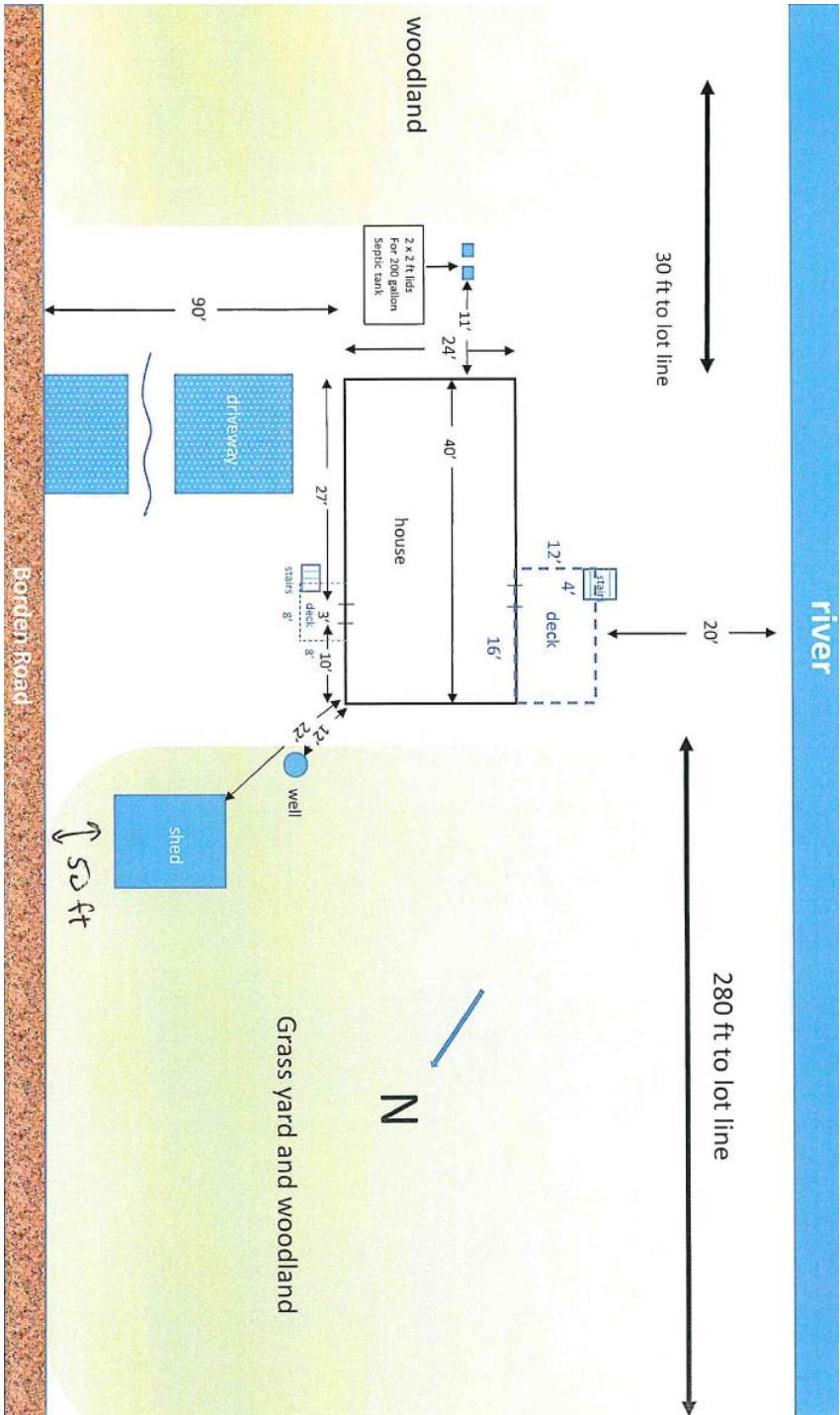
Tyler Duval, M.Pl.
Planning Consultant

ATTACHMENTS:

SCHEDULE A – Site Plan

SCHEDULE B – Proposed Floodproofing

Schedule A Site Plan (Submitted by Applicant)



Schedule B Proposed Floodproofing (Submitted by Applicant)

Side Profile Showing Elevation

- All wiring and plumbing will be at raised floor level which is 4 feet above ground level
- There will be nothing below ground level under the house
- The front deck will have 6 supporting pillars using concrete (Sonotubes) that will be approximately two feet below grade (which is where bedrock begins)
- The back deck will have 4 supporting pillars on concrete deck blocks on the ground surface
- Decks surfaces will be at the same level as the bottom of the house

