

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday, September 23rd, 2020 @ 5:30 p.m.
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-07-20 (D13-266-20)**
Part Lot 15, Anderson Section, Plan 6262
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 83-85 Elgin Street
OWNER: 2666260 Ontario Inc.
APPLICANT: Paddy Vargas

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Part Lot 15, Anderson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 83-85 Elgin Street, to reduce the minimum required lot area from 320m² per dwelling unit to 420m² for two semi-detached dwelling units, the front yard setback from 6m to 2.44m, exterior side yard setback from 6m to 2.15m and rear yard setback from 7.5m to 5.4m for an existing non-conforming semi-detached dwelling, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the Owner/Applicant obtain all required building permits.**

PURPOSE AND EFFECT

The applicant is requesting relief from the lot area, front yard and rear yard setback provisions of the Residential Second Density (R2) Zone for a **non-conforming semi-detached dwelling**. The Minor Variance request is outlined below:

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

Section	Zoning Provision	By-law Requirement	Requested
Table 13.2	Lot Area, Minimum (m ²)	320 (per dwelling unit)	420 (total lot area)
Table 13.2	Front Yard, Minimum	6	2.44
Table 14.2	Exterior Side Yard, Minimum (m)	6	2.15

Table 13.2	Rear Yard, Minimum	7.5	5.4
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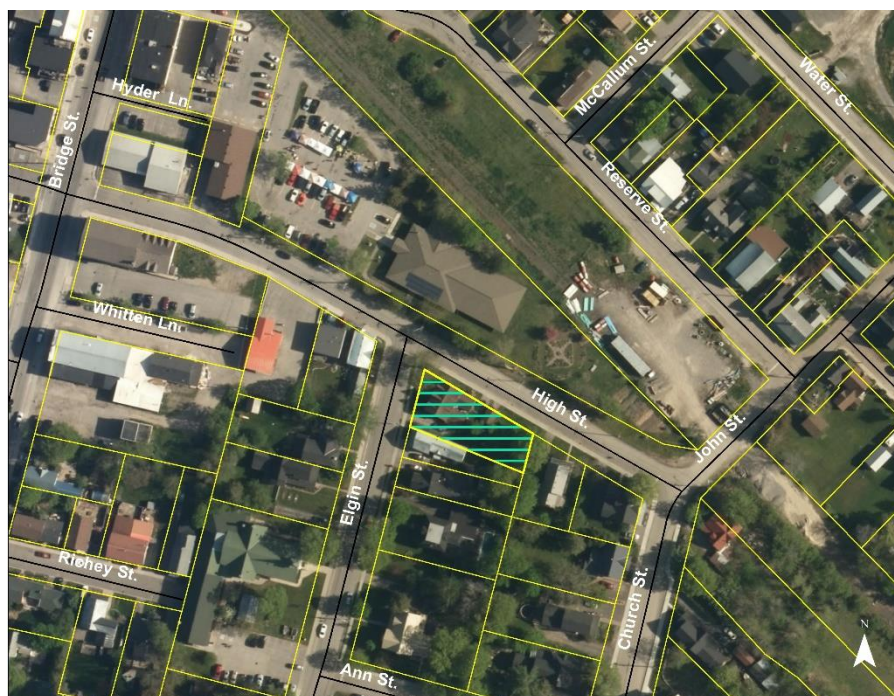
DESCRIPTION OF SUBJECT LANDS

The subject property is located at the intersection of Elgin Street and High Street within Almonte Ward. The entire property is $\pm 716.4 \text{ m}^2$ (0.177 ac) in size with a frontage of $\pm 21.03 \text{ m}$ (69.0 ft) on Elgin Street. The Owner has obtained provisional consent from the Land Division Committee to sever the property into two parcels: (1) 430 m^2 parcel (the retained parcel) and one (1) 333.6 m^2 parcel (the severed parcel). Two minor variance applications have been submitted for the retained and severed parcels – A-07-20 for relief pertaining to the existing semi-detached dwelling and A-08-20 pertaining to the severed parcel for a proposed single detached dwelling.

The retained parcel is presently occupied by a semi-detached dwelling (two units) with X frontage along Elgin Street. The Applicant is requesting relief from the provisions of the Residential Second Density (R2) Zone for the existing dwellings as a condition of Consent. Schedule A of this report contains the proposed site plan sketch.

The property is generally surrounded by low density residential uses, institutional and commercial uses. The Almonte Library is directly north of the subject property and the United Church is located south-west of the subject property. The location of the subject lands within the Municipality is depicted in the following aerial image:

Figure 1. – Aerial Photo of Property (2017)



SERVICING & INFRASTRUCTURE

The existing semi-detached dwellings are serviced by municipal water and sewer services. The property presently maintains driveway access along Elgin Street and High Street. The municipal servicing and infrastructure demands would not change as a result of the application.

During the circulation of the application for review, the Public Works Department indicated additional information was necessary to confirm that the severed lot can be serviced through municipal servicing and that the appropriate grading and drainage could be achieved given the size of the proposed dwelling, hard surfaced areas and reduced setbacks. Subsequently, the Applicant submitted a Grading and Drainage plan to the general satisfaction of the Roads and Public Works Department and noted that minor details were to be worked out in the Site Plan Control process.

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: The Building Department has no objections to this project.

Fire Chief: The Fire Department has no objections or comments.

Acting Director of Roads and Public Works: The site plan, demonstrates that conceptually the site can be constructed and drained appropriately. Some minor details of the site plan could be worked out in the site plan process.

Recreation Coordinator: No issues.

COMMENTS FROM EXTERNAL AGENCIES

Mississippi Valley Conservation Authority: A cursory review of the above noted application revealed no issues with regard to the 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 lot area, front yard, exterior side yard or 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 semi-detached dwelling and specific provisions in relation to lot area, front, interior side, exterior side, and rear yard setbacks. The owners are applying to reduce the minimum lot size for a semi-detached dwelling and front, exterior side and rear yard setbacks for an existing semi-detached dwelling.

Minimum Lot Area Requirement

The intent of the minimum lot area requirement is to provide sufficient space to accommodate the dwelling, landscaping, utilities, snow storage, road access, required off-street parking and outdoor amenity area. For semi-detached dwellings, minimum lot area is determined on a per unit basis.

The applicant has proposed a reduction in the minimum required lot area from 320m² per dwelling unit to 430m² for both dwelling units, constituting a total reduction of 210m² (2,260.4ft²). The relief is required as a condition of approval for a lot severance to the rear of the existing semi-detached dwelling.

Landscaping & Snow Storage: The severance would result in the creation of one additional lot whereby the retained parcel would maintain an area of 420m² and the severed parcel would consist of an area of 333.6m². As there would be no changes to the location of the existing semi-detached dwelling, Staff is of the opinion impacts to landscaping and snow storage are minimal and there remains sufficient area within the front yard and side yards for landscaping and snow storage.

Amenity Area: The subject application would reduce the rear yard amenity area for the creation of a new lot, however, the lot would maintain sufficient area within the rear yard and side yards for amenity space.

Road Access & Parking: Driveway access is presently located along Elgin Street and High Street. Two parking spaces are available which meets the minimum parking space requirements of the Zoning By-law for semi-detached dwellings.

Minimum Front Yard Setback Requirement

The intent of the minimum front yard setback requirement is to provide sightlines for vehicular traffic, pedestrian movement and safety, and spatial separation between the front lot line and the dwelling to accommodate off-street parking, landscaping, run-off, maintenance and snow storage.

Given the requested relief would not result in any further encroachment into the front yard setback than what is presently existing, Staff is of the opinion impacts to neighbourhood character, sightlines, parking, landscaping, run-off, maintenance and snow storage are negligible.

Minimum Exterior Side Yard Setback Requirement

The intent of the minimum exterior side yard setback requirement is to ensure sufficient spatial separation in order to accommodate landscaping, run-off, maintenance, snow storage and protect sightlines.

Given the existing semi-detached dwelling will not be further encroaching into the exterior side yard setback than what is presently existing, Staff is of the opinion the potential impacts to sightlines, landscaping, run-off, maintenance and snow storage is negligible.

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 run-off onto neighbouring properties, mitigate any potential visual and privacy impacts between neighbouring properties, and maintain appropriate amenity space for the owners.

Maintenance: The proposed expansion would encroach into the required rear yard setback by 2.1m, maintaining a minimum distance of 5.4m to the rear lot line. As such, there remains sufficient space to navigate the rear yard for maintenance purposes.

Run-off: The Applicant has provided a grading and drainage plan demonstrating that the lot can accommodate appropriate grading and drainage to the satisfaction of the Public Works Department.

Privacy Impacts: Although the minor variance would reduce the setback from the existing 23.51m to 5.4m, the rear yard will maintain sufficient distance from the adjacent property and the proposed property. At the time this report was submitted, no objections had been received from adjacent owners regarding about potential impacts.

Amenity Space: The subject application would reduce the rear yard amenity area for the creation of a new lot however, sufficient area remains within the rear yard and side yards for amenity space purposes.

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 the requested relief would permit the creation of a new infill lot and retain an existing semi-detached dwelling. The proposal would result in a more efficient use of land and municipal resources while maintaining sufficient functioning of the proposed lot and required yards where relief is required.

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 requested variances will have no impacts on landscaping, maintenance, run-off, snow storage, parking, sightlines, privacy and neighbourhood character. 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?

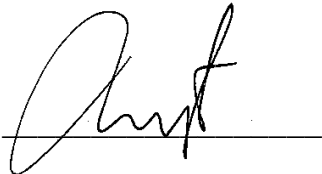
The proposed variances would reduce the requirements for minimum lot area from 320m² per dwelling unit to 430m² for the whole of the semi-detached, front yard setback from 6m to 2.44m, exterior side yard setback from 6m to 2.5m and rear yard setback from 7.5 m to 5.4m. The proposal demonstrates no foreseeable impacts to landscaping, maintenance, snow storage, run-off, parking, sightlines, privacy, amenity space and neighbourhood character to the property in question or those neighbouring. Staff is therefore of the opinion that the requested variances are 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 to any other stakeholders. Staff believes that Minor Variance Application A-07-20 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 Owner/Applicant obtains site plan approval from the Municipality for the proposed development; and**
- 3. That the Owner/Applicant 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 A Site Plan

