

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-08-20 (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 450 m² to 333.6m², the front yard setback from 6m to 2.1m, the rear yard setback from 7.5m to 3.63m, the side yard setback for an accessory structure from 1.2m to 0.98m, and the maximum lot coverage from 40% to 41.5%, subject to the following conditions:

- 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.**

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 **proposed 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)	450	333.6
Table 13.2	Front Yard, Minimum	6	2.1
Table 13.2	Rear Yard, Minimum	7.5	3.63

Table 13.2	Maximum Lot Coverage	40	41.5
Table 6.1	Side Yard Setback for a Carport	Same as required for the principal dwelling (1.2)	0.98

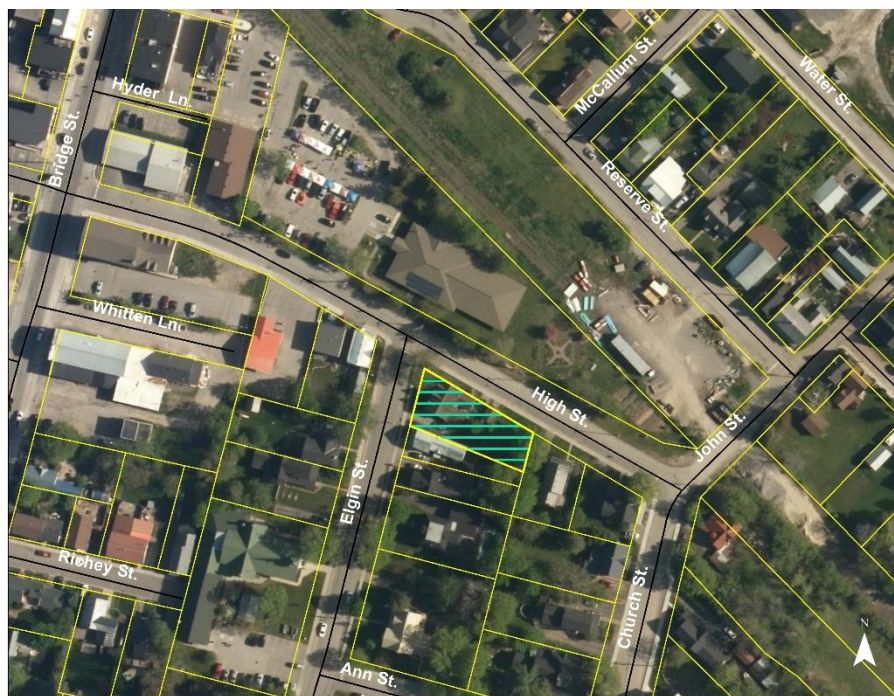
DESCRIPTION OF SUBJECT LANDS

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 severed parcel is presently vacant with a lot area of 333.6 m^2 (0.083 ac) and frontage of 18.4 m (60.4 ft) along High Street. The Applicant is proposing to a single detached dwelling on the subject lands. 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 severed parcel would be serviced by municipal water and sewer services and would have driveway access from High Street, a municipally owned and maintained road. 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 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 detached dwelling and specific provisions in relation to front, interior side, exterior side, and rear yard setbacks. The owners are applying to reduce the minimum lot size, maximum lot coverage, front yard and rear yard setback requirements to permit the construction of a single detached dwelling.

Minimum Lot Area Requirement

The intent of the minimum lot area requirement is to provide sufficient space to accommodate the proposed dwelling, landscaping, utilities, snow storage, road access, required off-street parking and outdoor amenity area.

Given the extent of the relief requested, Staff is of the opinion that a reduction in the minimum lot area requirement by 116.4m² for a total lot size of 333.6 m² would not prevent the lot from accommodating a single detached dwelling, road access and required off-street parking as demonstrated in the site plan submitted by the Applicant. Sufficient area is available in the rear yard for outdoor amenity space and within the front yard for landscaping, utilities and snow storage.

Maximum Lot Coverage Requirement

The intent of the maximum lot coverage requirement is to ensure sufficient lands are available for landscaping, snow storage, outdoor amenity area and stormwater management. The applicant is requesting a maximum lot coverage of 1.5%, constituting a relief of 5.0 m² (53.8 ft²). As such, Staff is of the opinion the requested relief would not negatively impact landscaping, snow storage, outdoor amenity area and stormwater management. Furthermore, the Public Works Department has reviewed a grading and drainage plan to ensure that the lot can accommodate run-off, drainage and stormwater management.

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.

Neighbourhood Character. The neighbourhood is characterized generally by low density residential uses, institutional and commercial uses. With regards to adjacent dwellings, front yard setbacks within the surrounding neighbourhood vary greatly, with some dwellings maintaining or exceeding the required 6 m front yard setback and other dwellings exhibiting smaller front yard setbacks, including a range between 3.1m to 0m along High Street and

Church Street for instance. Given the above, a reduced front yard setback would not negatively impact the existing neighbourhood character.

Sightlines: The proposed variance would maintain a minimum distance of 2.1 m from the proposed dwelling to the front yard lot line. Given the proposed setback of 2.1 m and an additional 2.0 m from the front lot line to the closest edge of the sidewalk on High Street, Staff is of the opinion there is adequate and sufficient distance to maintain sightlines to protect vehicular traffic, pedestrian movement and safety.

Parking: Adequate space for one parking spot is available, meeting the minimum required parking space requirements for primary dwellings.

Landscaping, Run-off, Maintenance and Snow Storage: The proposed variance maintains a setback of 2.10 m from the front lot line. While the requested relief would constitute a reduction of 3.9 m, there remains sufficient area within the front yard for landscaping, maintenance and snow storage. Furthermore, the Public Works Department is satisfied that adequate room for run-off and drainage is available, demonstrated by the grading and drainage plan submitted by the Applicant.

Minimum Rear Yard Setback Requirement

The intent of the minimum rear yard setback requirement for principal 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 rear yard setback by 3.874m, maintaining a minimum distance of 3.63m to the rear lot line. As such, there remains sufficient space to navigate the rear yard for maintenance purposes.

Run-off: The proposed dwelling would result in an increase in hard surface area of 138.7m² (1,492 ft²). 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 minimum setback from 7.5m (24.6ft) to a minimum distance of 3.63m (11.9ft), the rear yard will maintain sufficient distance from the adjacent property. At the time this report was submitted, no objections had been received from adjacent owners regarding about potential impacts.

Amenity Space: While the proposed expansion will encroach into the rear yard amenity space, there remains approximately 134.9m² of space within the rear yard of the severed parcel for amenity space. As such, Staff is of the opinion that the proposal will not negatively impact amenity space.

Minimum Side Yard Setback for an Accessory Structure

The intent of the minimum interior side yard setback requirement is to ensure that there is sufficient separation between the building and the side 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. Given the requested relief constitutes an encroachment of 0.22

m (0.72 ft) for a post for the proposed carport, Staff is of the opinion the proposal would have negligible impacts on the above listed functions.

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 development of a proposed detached dwelling on a wide and shallow lot that renders a conventional building envelope unlikely without sacrificing living space or functional front, rear and side yards. The subject proposal is desirable as it maximizes the footprint of the proposed dwelling while maintaining sufficient functioning of the front, rear and side 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?

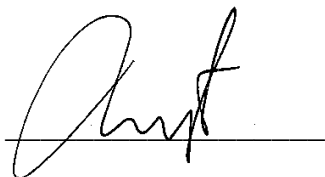
The proposed variances would reduce the requirements for minimum lot area from 450m² to 333.6m², front yard setback from 6m to 2.1m, rear yard setback from 7.5m to 3.63 m, side yard setback for an accessory structure from 1.2m to 0.98m, and maximum lot coverage from 40% to 41.5%. The proposal demonstrates no foreseeable impacts to landscaping, maintenance, snow storage, run-off, parking, sightlines, privacy 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-08-20 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,

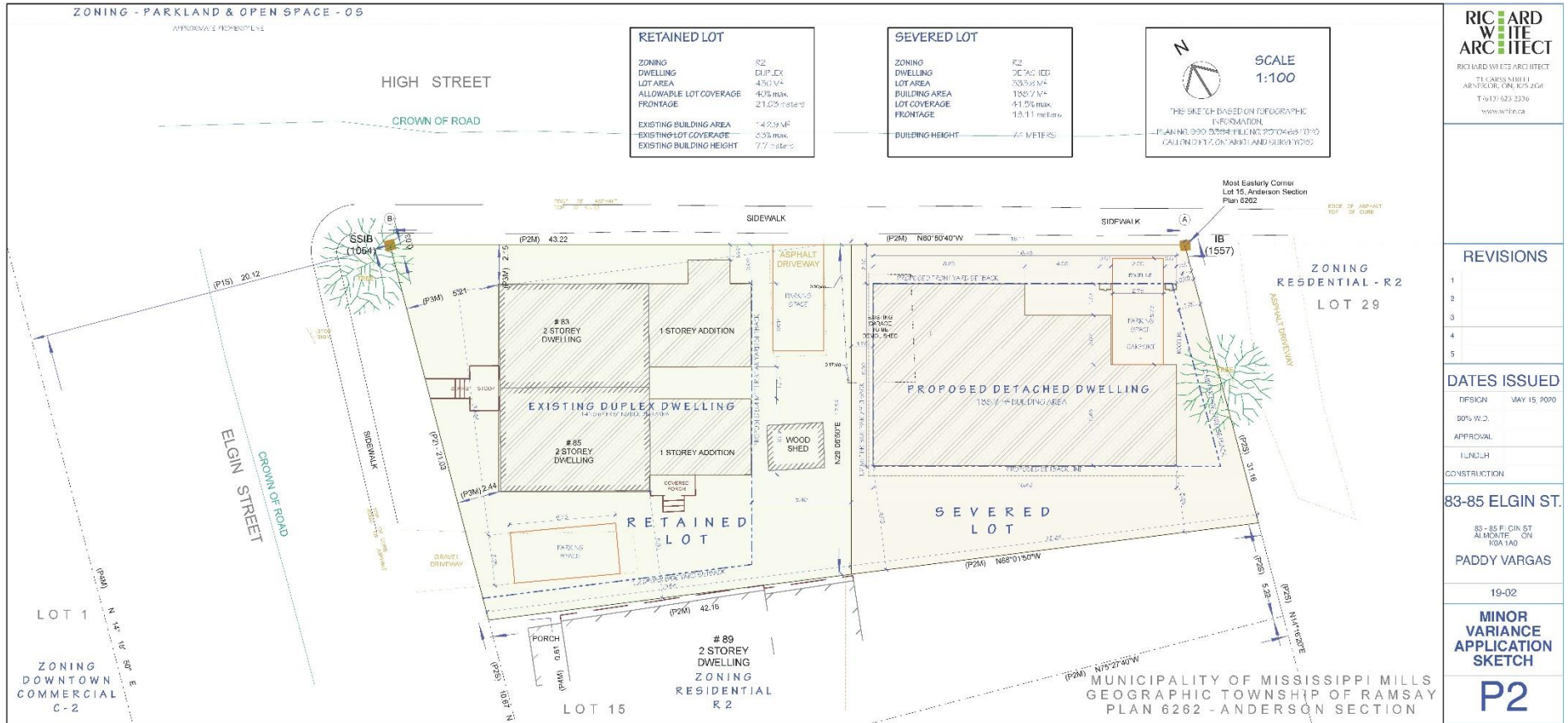
A handwritten signature in black ink, appearing to read 'Maggie Yet', is written over a horizontal line.

Maggie Yet
Planner 1

ATTACHMENTS:

SCHEDULE A – Site Plan

SCHEDULE A Site Plan



RICHARD WHITE ARCHITECT
RICHARD WHITE ARCHITECT
71 CARRS HILL
ANNANDALE, ONTARIO
T4D 1D1 623-2236
www.rwa.ca