

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
PLANNING REPORT

MEETING DATE: Wednesday, June 29, 2022 at 6:00 p.m.
TO: Committee of Adjustment
FROM: Jeffrey Ren, Planner
SUBJECT: **MINOR VARIANCE APPLICATION A-11-22**
Concession 5 Part Lot 25; Plan 52705 Lot 1
Almonte Ward, Municipality of Mississippi Mills
Municipally Known as 411 Campbell Side Road
OWNERS/APPLICANTS: Darcy William Ryan and Ivy Catherine MacGarvie

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Concession 5 Part Lot 25; Plan 52705 Lot 1, Almonte Ward, Municipality of Mississippi Mills, municipally known as 411 Campbell Side Road, to permit the construction of a new garage, subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
 - To permit the garage to be constructed 3.3 metres from the front lot line whereas Table 6.1 (1) requires that the garage be set back from the front lot line by 9 metres.**
 - To permit the proposed garage as the fourth accessory building on the subject lot whereas Table 6.1 (8) specifies that the maximum number of accessory buildings permitted on a lot zoned Rural (RU) is three (3).**
- 2. That the Owners/Applicants obtain all required building permits and approvals for the proposed garage.**

PURPOSE AND EFFECT

The subject property is zoned Rural (RU Zone). The applicant is requesting relief from the provisions of Table 6.1 of Zoning By-law #11-83 to permit the construction of a new garage. The applicant is proposing to locate their garage 3.3 metres from the front lot line whereas Table 6.1 (1) requires that the garage be set back from the front lot line by 9 metres. The proposed garage is the fourth accessory building on the subject lot. Table

6.1 (8) specifies that the maximum number of accessory buildings permitted on a lot zoned RU is three.

The Minor Variance request is outlined below.

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

Table	Provision	By-law Requirement	Requested
6.1 (1)	Minimum Required Setback from a Front Lot Line	Same as Required for Principal Building (9 metres for a non-farm residential use in the RU Zone)	3.3 metres
6.1 (8)	Maximum Number of Accessory Buildings Permitted on a Lot	3 accessory buildings	4 accessory buildings

DESCRIPTION OF SUBJECT LANDS

The subject property is located east of the intersection between Campbell Side Road and 5th Concession North Pakenham. The property measures approximately 8,188 m² in area and has approximately 115 metres of frontage along Campbell Side Road and approximately 71.2 metres of frontage along 5th Concession North Pakenham. The subject property is currently occupied by a single detached house and is immediately surrounded by rural and non-farm residential uses. The subject property is zoned Rural (RU Zone). Three (3) existing accessory buildings can currently be found on the subject property. Figure 1 shows an aerial image of the subject property.

Figure 1: Aerial Image of Concession 5 Part Lot 25; Plan 52705 Lot 1, Almonte Ward, Municipality of Mississippi Mills



PROPOSED DEVELOPMENT

The proposed development is a detached garage with a second storey storage space measuring approximately 119 square metres in size with a height of approximately 6.70 metres. The garage is proposed located 3.3 metres from the front lot line. For an accessory building in the RU Zone, Table 6.1 (1) requires that the garage be set back from the front lot line by 9 metres; Table 6.1 (8) also limits the number of accessory buildings to three (3) per lot in the RU Zone. Aside from the front yard setback and maximum number of accessory buildings per lot, the proposed garage conforms to all other applicable provisions of the Zoning By-law. The construction of the garage requires a building permit application.

SERVICING & INFRASTRUCTURE

The subject property is on private services – there are no required or proposed changes to servicing as a result of the application. No additional parking is required for this proposed development.

COMMENTS FROM CIRCULATION OF THE APPLICATION

Comments From Internal Circulation

No comments or concerns were received from the internal circulation at the time of the writing of this report.

Comments From External Agencies

No comments or concerns were received from external agencies at the time of the writing of this report.

Comments From the Public

No comments or concerns were received from the public at the time of the writing of this report.

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 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 as Rural in the Municipality's Community Official Plan (COP). The proposed garage conforms to the intent of the COP policies for the Rural designation (Section 3.3). Under Section 4.2.3, the COP contains policies regarding Rural Design; these policies suggest that rural roadscapes and landscaping along rural roads should be considered. The rural design policies of the COP also state that traditional rural development patterns should be respected.

Staff are of the opinion that the proposed garage generally satisfies the applicable rural design policies of the COP as the proposed garage is generally reflective of the existing context with many of the properties along 5th Concession North Pakenham featuring comparable accessory buildings in the front yard. The subject property is affected by a Rural-Agricultural Overlay, however, there are no active agricultural uses on the lots surrounding the subject property and the applicable policies are not triggered by the subject application.

Staff are of the opinion that the proposed variances generally maintain the intent of the COP.

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

Table 6.1 (1) of the Zoning By-law allows for a minimum setback of 9 metres compared to the proposed 3.3 metres. While the requested variance is quantitatively notable, the applicants have indicated that the garage would be located approximately 14 metres from the side of the existing roadway as the existing road allowance is significantly wider than the actual roadway. As noted above, the proposed layout is generally reflective of the existing roadscape along 5th Concession North Pakenham with a number of other properties featuring similar existing setbacks for both principal buildings and accessory buildings. Staff are of the opinion that the intent of the Zoning By-law would be maintained by permitting a reduced front yard setback.

With respect to the number of accessory buildings, the RU Zone permits a single detached dwelling, and three (3) non-farm accessory buildings as per Table 6.1(8) of the Zoning By-law. The provisions for accessory buildings do not limit the number of accessory buildings used for agricultural purposes in the RU Zone. In this case, staff have included the existing woodshed with no enclosed sides as the third accessory building. As the woodshed technically meets the Zoning By-law's definition of a building, a variance to the provisions of Table 6.1(8) has been included out of an abundance of caution. Staff are of the opinion that the intent of the Zoning By-law would be maintained by permitting an addition accessory building.

Staff are of the opinion that the proposed variances generally maintain the intent of the Zoning By-law.

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

The addition of a garage allows the property owner to maximize the enjoyment of their property and the applicant has indicated that there are no suitable alternatives on the subject property due to site constraints. There are no anticipated adverse impacts to the adjacent landowners; the requested variance is appropriate for the subject property based on the surrounding land use context; and, there have been no concerns identified by Staff, external agencies or neighbouring landowners in relation to the requested variance.

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

- Obtaining all required building permits and approvals.

Staff are of the opinion that the proposed development is desirable for the appropriate development of the lands in question.

4. Is the proposal minor?

Although the requested variance would notably reduce the prescribed front yard setback, Staff note that the evaluation of minor is not just a quantitative analysis but rather a combination of the consideration of the quantitative relief requested with the qualitative analysis of impact of the requested variance. Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties and would remain largely consistent with the existing roadscape. As a result, 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 of their property with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-11-22 meets the four tests for evaluating a minor variance as established under the *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 contained in this report.

All of which is respectfully submitted by,



Jeffrey Ren
Planner

Reviewed by,



Melanie Knight MCIP, RPP
Senior Planner

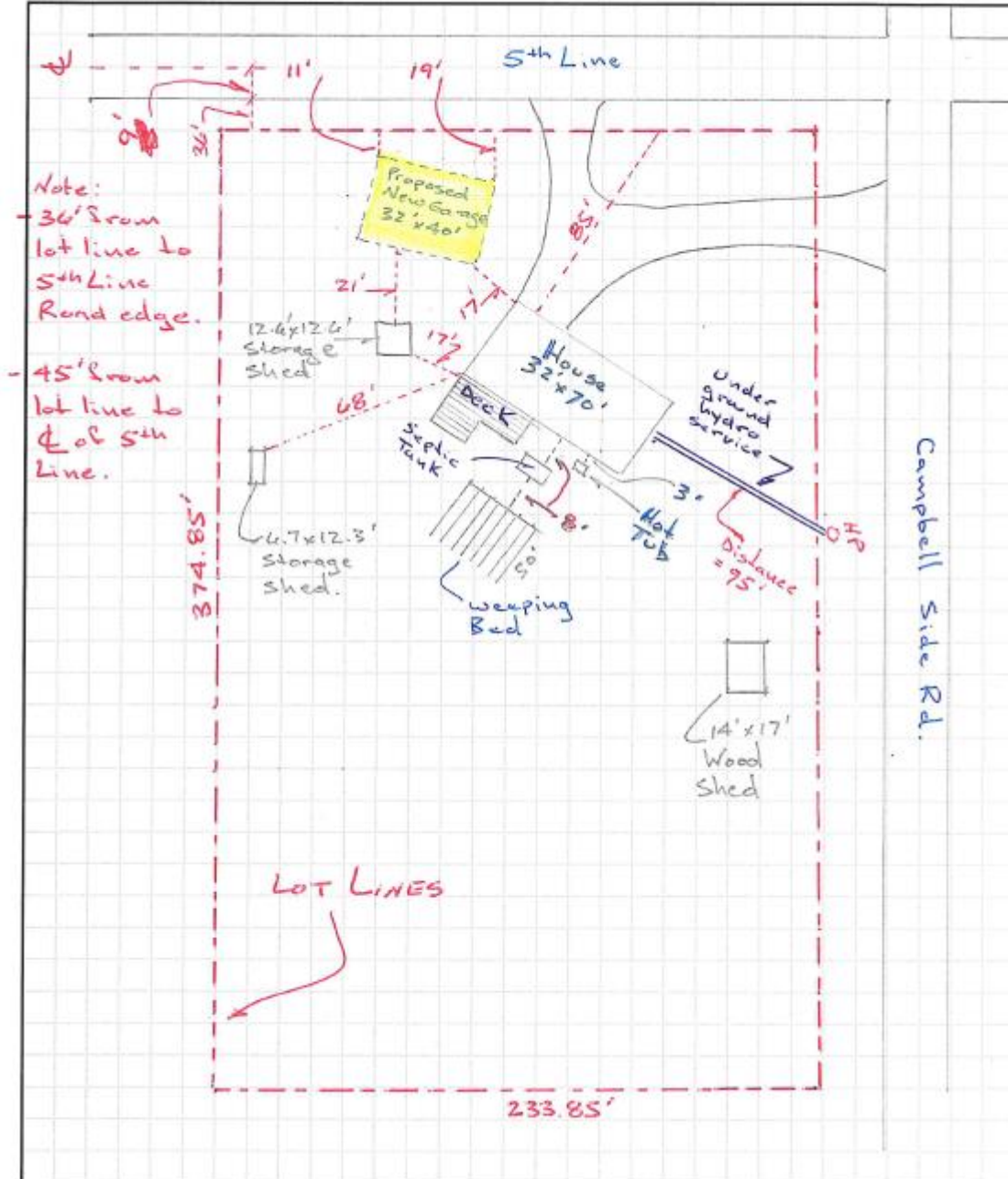
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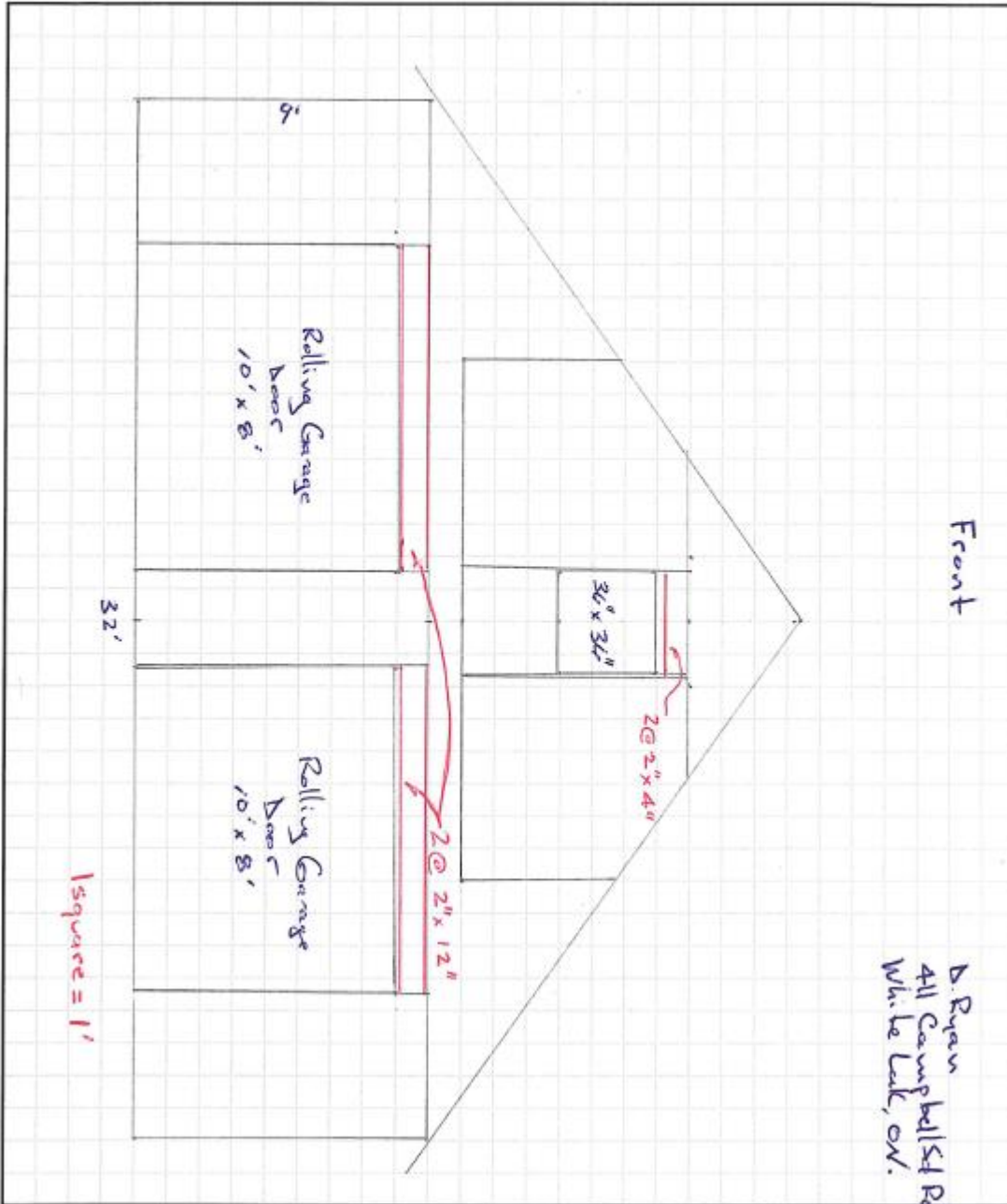
SCHEDULE A – Site Plan & Drawings

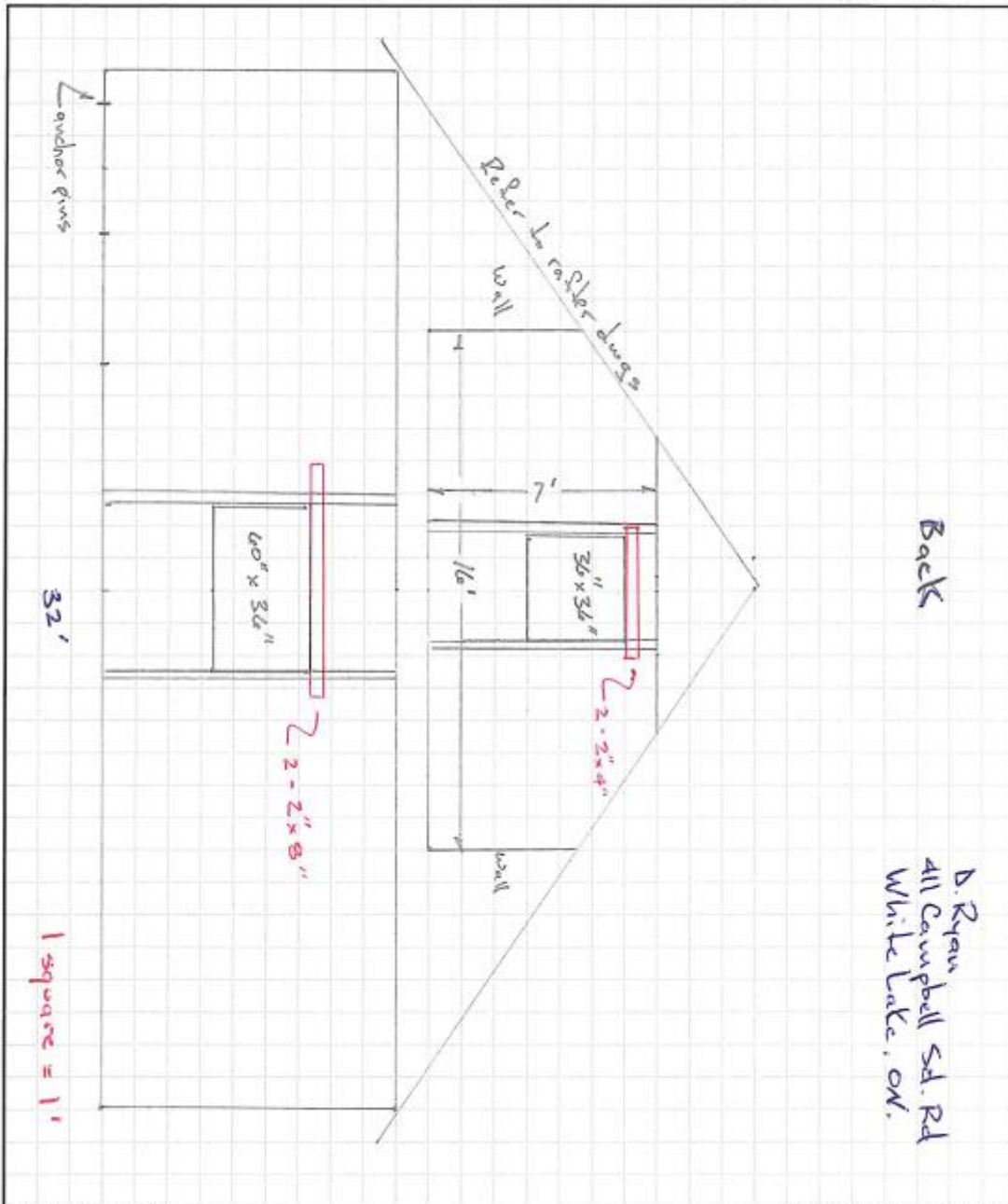
SCHEDULE B – Site Photos

SCHEDULE A – Site Plan & Drawings

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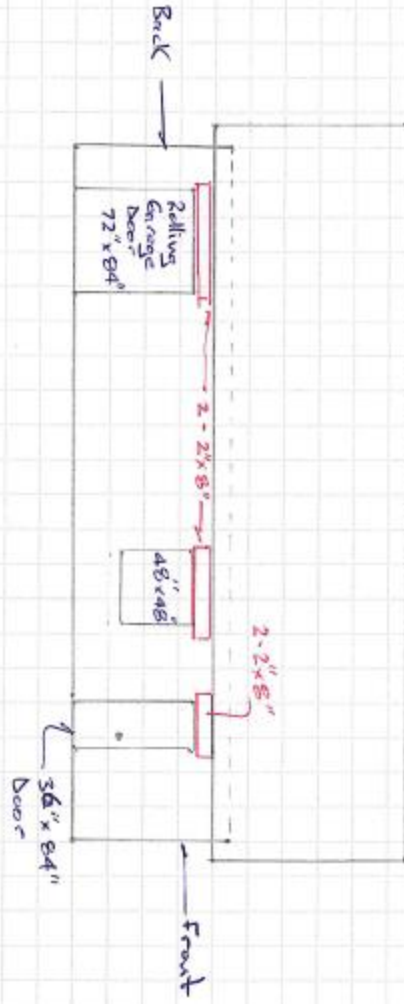






Left Side

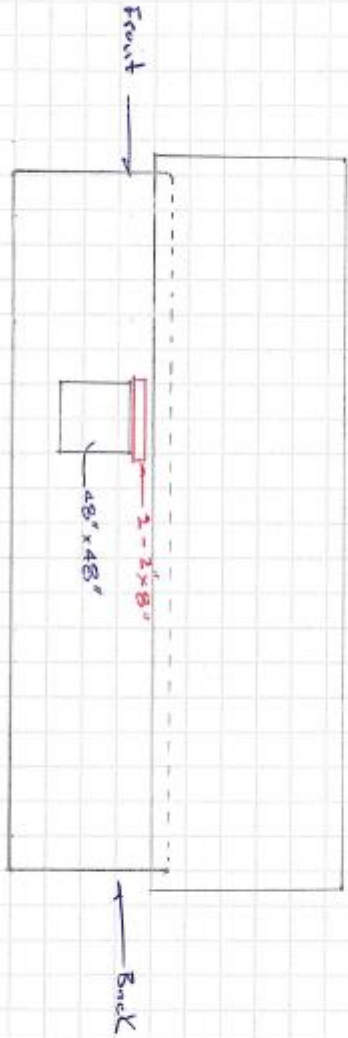
D. Ryan
411 Campbell St. Rd.
White Lake, MI



1 Square = 2'

Right Side

D. Ryan
411 Campbell Sd. Rd.
White Lake, ON.



1 square = 2'

SCHEDULE B – Site Photos

