

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-12-22**
Plan 27M88 Part Block 49; Plan 27R11415, Part 3
Almonte Ward, Municipality of Mississippi Mills
Municipally Known as 914 Stewart Lee Avenue

OWNERS/APPLICANTS: Edward Craig McManus and Marlean Alice Litton

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Plan 27M88 Part Block 49; Plan 27R11415, Part 3, Almonte Ward, Municipality of Mississippi Mills, municipally known as 914 Stewart Lee Avenue to permit a deck that projects more than two (2) metres into the rear yard, subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
 - To permit a deck with a walking surface height above 0.6 metres that projects into a required yard by 2.75 metres, whereas Section 6.19 states that a deck with a walking surface height of above 0.6 metres may project by no more than two (2) metres into required yard.**
- 2. That the Owners/Applicants obtain all required building permits and approvals for the proposed deck.**

PURPOSE AND EFFECT

The subject property is zoned Residential Second Density Zone, Subzone E, Special Exception 18 (R2E-18). The applicant is requesting relief from the provisions of Section 6.19 of Zoning By-law #11-83 to permit the extension of a deck. Section 6.19 requires that decks with a walking surface height of above 0.6 metres project by no more than 2 metres into a required yard. The applicant is proposing to extend their deck by 3.48 metres, thereby creating a projection of 2.75 metres into the required rear yard.

The Minor Variance request is outlined below.

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

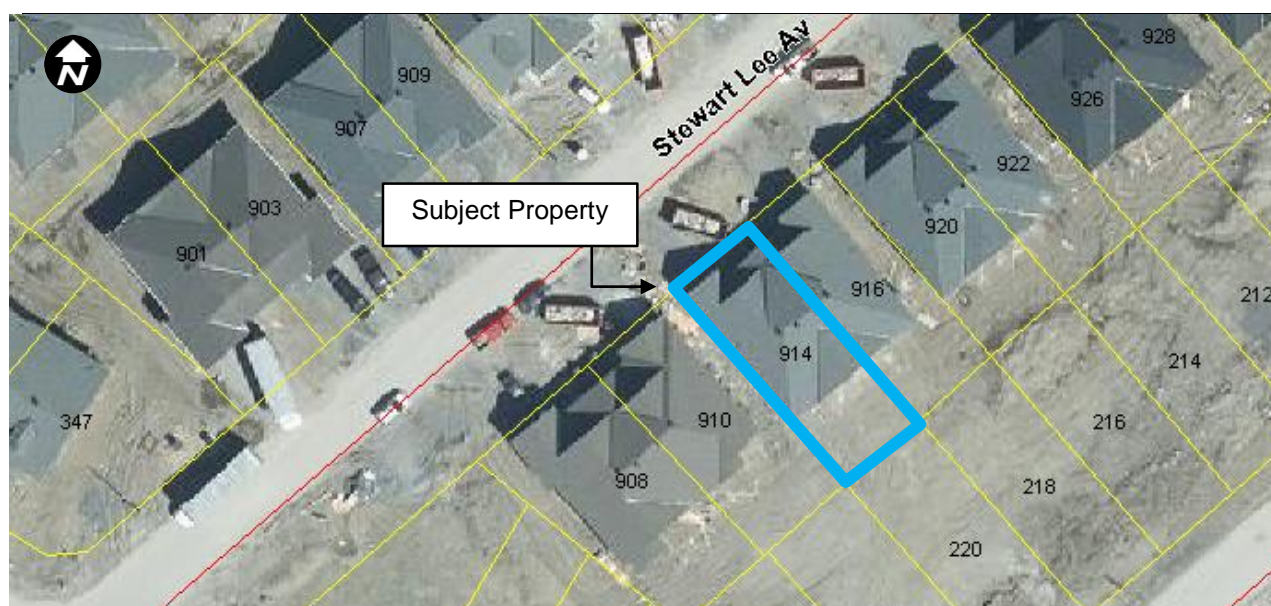
Section	Provision	By-law Requirement	Requested
6.19	Permitted Projection into Required Yard	Deck projections of no more than 2 metres into a required rear yard	Deck projection of approximately 2.75 metres into a required rear yard

DESCRIPTION OF SUBJECT LANDS

The subject property is located along the south side of Stewart Lee Avenue. The property measures approximately 338.24 m² in area and has approximately 11 metres of frontage along Stewart Lee Street. The subject property is currently occupied by a single storey semi-detached dwelling unit and is immediately surrounded by low density residential uses. The subject property is zoned Residential Second Density E-18 (R2E-18 Zone).

Figure 1 shows an aerial image of the subject property.

Figure 1: Aerial Image of Plan 27M88 Part Block 49; Plan27R11415, Part 3, Almonte Ward, Municipality of Mississippi Mills



PROPOSED DEVELOPMENT

The proposed development is a deck located in the rear yard attached to the rear of the semi-detached dwelling. The deck extends into the rear yard by 3.48 metres. The proposed deck extension has a walking surface height of approximately 1.27 metres. The existing rear yard has an approximate depth of 6.73 metres; the required rear yard setback in the R2E-18 Zone is six (6) metres. The proposed extension of the deck by

3.48 metres results in a projection of 2.75 metres into the required rear yard resulting in a setback of 3.25 metres from the deck to the rear lot line. The deck extension is compliant with all other applicable provisions of the Zoning By-law. The construction of the deck requires a building permit application.

SERVICING & INFRASTRUCTURE

The subject property is on full municipal 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 “Residential” in the Municipality’s Community Official Plan (COP). The subject property is not affected by any COP constraints. The proposed deck extension conforms to all applicable COP policies including policies

relating to the Residential Designation (Section 3.6) and all applicable General Policies (Section 4).

Staff are of the opinion that the proposed variance maintains the intent of the COP.

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

The subject property is zoned Residential Second Density, Subzone E, Special Exception 18 (R2E-18) as per Comprehensive Zoning By-law #11-83. The R2E-18 Zone permits semi-detached dwelling and stipulates that the required rear yard setback for a semi-detached dwelling is six (6) metres; the existing rear yard has an approximate depth of 6.73 metres. Decks are listed as a type of permitted projection in Section 6.19 of the Zoning By-law; decks with a walking surface height above 0.6 metres are only permitted to project into a required rear yard by two (2) metres while maintaining a setback of one (1) metre from the side lot lines.

The proposed deck extension has a walking surface height of approximately 1.27 metres. The proposed extension of the deck by 3.48 metres results in a projection of 2.75 metres into the required rear yard resulting in a rear yard setback of 3.25 metres for the proposed deck. The deck extension is compliant with all other applicable provisions of the Zoning By-law. Staff note that there are no limits imposed on the projection of decks with a walking surface height of less than 0.6 metres into a required rear yard.

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 proposed development of a deck is an appropriate and desirable form of development for the subject property. The extension of a deck would allow the property owner to owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders.

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?

The proposed development is proposing a modest increase in the size of a permitted projection. The additional 0.75 metre projection into the required yard is minor in nature.

Analysis of the proposal has concluded that the proposal is unlikely to present adverse impacts on the adjacent properties. 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-12-22 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

ATTACHMENTS:

SCHEDULE A – Site Plan

SCHEDULE A – Site Plan

