

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-13-22**
Plan 27M88, Lot 68
Almonte Ward, Municipality of Mississippi Mills
Municipally Known as 366 Spring Street
OWNERS/APPLICANTS: Houchaimi Holdings Inc.

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approve the Minor Variance for the lands legally described as Plan 27M88, Lot 68, Almonte Ward, Municipality of Mississippi Mills, municipally known as 366 Spring Street, to legalize a construction error affecting the minimum side and front yard setbacks, subject to the following conditions:

- 1. That the following requested Minor Variances to Zoning By-Law #11-83 are approved:**
 - To permit a minimum front yard setback of 2.88 metres whereas Section 14.4.18 of the Zoning By-law requires three (3) metres.**
 - To permit a minimum side yard setback of 0.81 metres whereas Section 14.4.18 of the Zoning By-law requires one (1) metre.**
- 2. That the Owners/Applicants provide an updated grading plan to the satisfaction of the Municipality of Mississippi Mills.**

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 14.4.18 of Zoning By-law #11-83 to legalize a construction error affecting the minimum side and front yard setbacks. Section 14.4.18 requires a minimum side yard setback of one (1) metre and a minimum front yard setback of 3 metres. The construction error resulted in a side yard setback of 0.81 metres and a front yard setback of 2.88 metres.

The Minor Variance request is outlined below.

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

Section	Provision	By-law Requirement	Requested
14.4.18	Minimum Front Yard Setback	3 metres	2.88 metres
14.4.18	Minimum Side Yard Setback	1 metre	0.81 metres

DESCRIPTION OF SUBJECT LANDS

The subject property is located along the south side of Spring Street. The property measures approximately 645.75 m² in area and has approximately 27.5 metres of frontage along Spring Street. The property is currently under construction for a semi-detached dwelling. The subject property is immediately surrounded by low density residential uses to the north and west, and by the Mississippi River and open space to the south and east.

Figure 1 shows an aerial image of the subject property.

Figure 1: Aerial Image of Plan 27M88, Lot 68, Almonte Ward, Municipality of Mississippi Mills



PROPOSED DEVELOPMENT

The proposed development is a semi-detached dwelling. At the time of building permit approvals, the proposed development met all the applicable zone provisions. A construction error during the pouring of the foundation resulted in a reduced minimum

front yard setback of 2.88 metres and a minimum side yard setback of 0.81 metres. Section 14.4.18 of Zoning By-law #11-83 requires a minimum front yard setback of three (3) metres and a minimum side yard setback of one (1) metre.

The original proposed development has received the necessary approvals to proceed. Staff are satisfied that if the subject minor variance application is approved, no additional approvals would be required other than an approved, revised grading plan for the lot, which reflects the setbacks contained in this report.

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). As per the previous approvals that the original proposed development received, the proposed development is in conformity with all applicable policies of the COP.

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?

The subject property is zoned Residential Second Density Zone, Subzone E, Special Exception 18 (R2E-18) as per Comprehensive Zoning By-law #11-83. The R2E-18 Zone permits a semi-detached dwelling. Section 14.4.18 of the Zoning By-law allows for minimum front yard setback of 3 metres and minimum side yard setback of 1 metre. The construction error resulted in a side yard setback of 0.81 metres and a front yard setback of 2.88 metres. The requested variances represent minimal deviations from the required setbacks; Staff are of the opinion that the provided setbacks do not deviate functionally from the intent of the Zoning By-law.

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 legalization of the construction error represents the appropriate and desirable development of the subject property. The Minor Variance Process is the appropriate avenue to correct the construction error and staff are satisfied that the proposed changes represent a minimal deviation from the previously approved plans.

At the time of the writing of this report, the impacts of the minor changes on grading are being evaluated by Public Works staff and the approval of the requested variances are proposed to be conditional on the approval of an updated grading plan. This condition will ensure that the construction error has minimal impacts on neighbouring properties. Staff are satisfied that if the subject minor variance application is approved, no additional approvals would be required.

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 reductions are quantitatively minimal, and the overall impact is also expected to be minimal as the change are not expected to have adverse effects on the subject property or neighbouring properties. The reduced setbacks are expected to be virtually indistinguishable from the original proposal.

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 owner to continue with the planned development of their semi-detached dwelling units with no foreseeable impacts to the surrounding lands.

Therefore, Staff are of the opinion that Minor Variance Application A-13-22 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 & Drawings

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