

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
COMMITTEE OF ADJUSTMENT
MINUTES

Wednesday, August 14, 2019, at 5:30 P.M.

Council Chambers, Municipal Office, 3131 Old Perth Rd., Almonte

PRESENT: Patricia McCann-MacMillan
Stacey Blair

REGRETS: Connie Bielby

APPLICANTS/PUBLIC: A-05-19 Joe Pert
Rob Lockwood
Rick Udall
Joanna Neill
Maureen McNey
L. & G. McGeachy
Stewart
Honor Bolger
Edith Cody-Rice
Kelsey Sterling
Catherine Willis-O'Connor
C. Cynthia Guerard
A-06-19 C. Bev Holmes
Serge Monette
L. Guibord
A-07-19 Jennifer Zeitz
A-08-19 Daniel Pike
Julie Henry
A-10-19 Brian Tuepah
A-11-19 Chris Harber
Lauren Eyre
Steve Maynard
A-12-19 to A-17-19 Jordan Jackson, Novatech
Steve Maynard
A-18-19 David Merritt
Steve Maynard
A-19-19 Steve Maynard
Svetlana Pelteshki
Anton Pelteshki

STAFF: Niki Dwyer, Director of Planning
Maggie Yet, Planner 1, Recording Secretary

Chair of the Committee called the meeting to order at 5:34 p.m.

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the agenda be amended to remove application A-09-19 from the agenda, to move application A-05-19 to the end of the agenda, and to hear applications A-12-19 to A-17-19 together and that said items be moved to the beginning of the agenda.

CARRIED

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the agenda for the August 14th, 2019 meeting of the Committee of Adjustments be approved.

CARRIED

C. DISCLOSURE OF PECUNIARY INTEREST

None.

D. APPROVAL OF MINUTES

1. June 19th, 2019 – Public Meeting

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the Committee of Adjustment approve the minutes of June 19th, 2019 meeting as presented.

CARRIED

E. NEW BUSINESS

None.

F. HEARINGS

1. Application	A-12-19 to A-17-19
Owner(s):	Neilcorp Homes
Appliant:	Novatech
Legal Description:	Concession 10, Part Lot 16 being Lots 2 to 7 on Registered Plan 27M90
Address:	Not assigned
Zoning:	Residential Third Density Exception 13 (R3-13)

The applicant is requesting relief from the minimum front yard setback from 6m to 4.8 - 5.5m to permit the construction of a single detached dwelling within the Residential Third Density Exception 13 (R3-13) Zone. The proposed dwellings are located within the Mill Run Subdivision and part of Phase 4A of the subdivision development.

The Chair opened the floor to comments by the applicant. Ms. Jordan Jackson, representing Novatech, provided a summary of the purpose of the requested relief for a series of single detached dwellings on Leishman Drive. Ms. Jackson stated that the requested variances meet the four tests as prescribed by Section 45 of the Planning Act. Ms. Jackson indicated the variances would maintain uniform lot levels along Leishman Drive. Ms. Jackson noted that Novatech had submitted amended drawings demonstrating sufficient area for a total of four vehicles on each lot.

The Chair opened the floor to comments by the public. Mr. Steve Maynard spoke and stated that he did not believe the request to be minor, that the staggering of lot lines would not be visually appealing, and that it would not constitute a good use of the land.

The Committee passed the following motion:

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Concession 10, Part Lot 16 being Lots 2 to 7 on Registered Plan 27M90, Almonte Ward, Municipality of Mississippi Mills, to reduce the minimum front yard setback from 6m to 4.8m for Lots 2 and 3, 5.0m for Lots 4 and 5, and 5.5m for Lots 6 and 7, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted;
2. That the owners obtain all required building permits; and
3. That the builder construct two car garages with 5.2m (17') wide garage doors.

CARRIED

2. **Application** **A-06-19**
Owner(s): Serge Monette
Legal Description: Plan 842, Lot 2
Address: 490 River Road
Zoning: Residential First Density (R1)

The owner is requesting relief from the provisions for the projection of a covered porch from 2m while maintaining a setback of 3m from the front lot line, to legally permit a projection of 3m up to 1.87m of the front lot line within the Residential First Density (R1) Zone.

The Chair opened the floor to comments by the owner. Mr. Serge Monette provided a summary of the requested relief. Mr. Monette stated that the porch was built to address safety concerns regarding falling ice and snow and that the structure was designed to maintain the style of the former church.

Following comments by the applicant, Ms. Maggie Yet, Planner 1, read a letter of support from Mr. Lonny Lytle, an adjacent neighbour, received by the Municipality following the posting of the agenda.

The Committee passed the following motion:

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lot 2 on Plan 842, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 490 River Road, Village of Appleton, to reduce the provisions for the projection of a covered porch from 2m (6.6ft) while maintaining a setback of 3m (9.8ft) from the front lot line, to legally permit an existing covered porch with a projection of 3m (9.8ft) maintaining a setback of 1.87m (6.1ft) to the front lot line, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted; and
2. That the owners obtain all required building permits.

CARRIED

- 3. Application** **A-07-19**
Owner(s): Jennifer Zeitz
Legal Description: Plan 6262, Baird Section, Lot 15
Address: 66 Farm Street
Zoning: Residential Second Density (R2)

The owner is applying to expand a non-conforming addition at the rear of the existing dwelling located within the Residential Second Density (R2) Zone. The proposed addition would maintain the existing setback of 0m of the dwelling and addition from the side lot line and would expand further into the rear yard. The proposed expansion would contain an accessible washroom and a bedroom.

The Chair opened the floor to comments by the owner. Ms. Jennifer Zeitz provided a summary of the requested relief. Ms. Zeitz stated that the requested relief is necessary for foundation restoration and would allow expansion and renovation of the existing addition into an accessible washroom and bedroom for her family members.

The Committee passed the following motion:

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Lot 15 in Baird Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 66 Farm Street, to reduce the minimum side yard setback from 1.2m (3.9ft) to 0m to expand on an existing non-conforming addition to the rear of the dwelling, subject to the following conditions:

1. That the Minor Variances are approved based on the plans submitted; and
2. That the owners obtain all required building permits.

CARRIED

- 3. Application** **A-08-19**
Owner(s): Daniel Pike and Julie Henry
Legal Description: Concession 2, Part Lot11 being Parts 2 & 3 on Plan 27R10715
Address: 1165 Ramsay Concession 3
Zoning: Rural (RU)

The owners are requesting relief from the provisions of Zoning By-law #11-83 to legally permit the construction of an accessory detached garage prior to the construction of the principal residential dwelling and to permit a secondary dwelling unit within a detached garage, separate from the principal dwelling unit, in the Rural (RU) Zone.

The Chair opened the floor to comments by the owners. Mr. Daniel Pike provided a summary of the requested relief. Mr. Pike stated he is satisfied with the conditions of approval and explained that he had spoken with Mr. Paul Allen Smith, owner of an adjacent property on 1137 Ramsay Concession 3A, who had raised concerns in a written submission to the Municipality. Mr. Pike stated that Mr. Smith seemed to

be satisfied with the plans. However, Staff confirmed with the Committee that follow up comments had not been received from Mr. Smith.

The Committee passed the following motion:

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Concession 2, Part Lot 11 being Parts 3 and 4 on Plan 27R10715, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 1165 Ramsay Concession 3A, to permit construction of an accessory detached garage prior to the construction of the principal dwelling unit, and to permit a secondary dwelling unit within a detached garage, separate from the principal dwelling unit, subject to the following conditions:

1. That the Minor Variance are approved based on the plans submitted;
2. That the owners execute a Development Agreement with the Municipality within ninety (90) days inclusive of the following terms:
 - a) That building permit applications, fees and development charges for the permanent dwelling are filed with the Municipality within an established timeframe; and,
 - b) That a construction timeline for the permanent dwelling be established;
 - c) That specific terms regarding servicing of the primary and secondary dwelling units, and prescribed maximum size of the secondary dwelling unit to 40 percent of the total floor area of the principal dwelling be established;
3. That the owners obtain all required building permits for the accessory structure; and,
4. That the owners obtain clearance and acceptance from the Leeds Grenville and Lanark District Health Unit for a sewage system in accordance with the Ontario Building Code.

CARRIED

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|---------------------------|-----------------------------------------------|
| 4. Application | A-10-19 |
| Owner(s): | Brian Tuepah |
| Legal Description: | Concession 8, Lot 17 on Registeren Plan 27M22 |
| Address: | 154 Duncan Drive |
| Zoning: | Rural Residetial (RR) |

The owner is requesting relief from the minimum side yard provisions of Zoning By-law #11-83 to permit the extension of an existing attached garage in the Rural Residential (RR) Zone.

The Chair opened the floor to comments by the owner. Mr. Brian Tuepah provided a summary of the requested relief. Mr. Tuepah stated that there is an existing large paved driveway where the proposed garage would be located, and that he believed a garage would be of further use.

The Committee passed the following motion:

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lot 17 on Registered Plan 27M22 (Munro Meadows), Ramsay Ward, Municipality of Mississippi Mills, municipally

known as 154 Duncan Drive, to reduce the minimum required interior yard setback from 6m to 5.16m to legally permit the extension of an existing attached garage on a single-detached dwelling, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted; and,
2. That the owner obtains all required building permits.

CARRIED

5. **Application** **A-11-19**
Owner(s): Chris Harber and Lauren Eyre
Legal Description: Plan 6262, Cameron Section, Lots 34 & 35
Address: PIN 05088-0051
Zoning: Residential First Density (R1)

The owners are requesting relief from the minimum exterior side yard setback requirement from 4.5m (14.8ft) to 1.2m (3.9ft) for a proposed dwelling located within the Residential First Density (R1) Zone. The property abuts an unopened street allowance (Dunn Street). The proposed dwelling would be partially located within the 3:1 Stable Slope Hazard which is subject to approval by the Mississippi Valley Conservation Authority (MVCA).

The Chair opened the floor to comments by the owners. Mr. Chris Harber provided a summary of the requested relief and of his and Ms. Eyre's plans to build a single detached dwelling on the lot. Mr. Harber explained that the relief would allow plans to position the home in consideration of the narrow lot width.

The Chair asked Ms. Niki Dwyer, Director of Planning, to provide additional information regarding the unopened road allowance that abuts the exterior side yard of the property in question. Ms. Dwyer stated that the road allowance is unused and unopened, and is unlikely to be used as a road connection in the future.

The Committee passed the following motion:

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lots 34 and 35, Cameron Section on Plan 6262, Almonte Ward, Municipality of Mississippi Mills, also known as PIN 05088-0051 by the Land Registry, to reduce the minimum required exterior yard setback from 4.5m (14.8ft) to 1.2m (3.9ft) to legally permit the construction of a single-detached dwelling, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted;
2. That the Owners obtain clearance and all required permits from the Mississippi Valley Conservation Authority;
3. That the Owners obtain Site Plan approval for the proposed plans as submitted; and
4. That the owner obtains all required building permits.

CARRIED

6. **Application** **A-18-19**
Owner(s): David Merritt and Christine Cox
Legal Description: Plan 89, Lot 17
Address: 102 Morton Street

Zoning: Residential First Density (R1)

The owners are requesting relief from the minimum exterior side yard requirement from 4.5m (148ft) to 1.21m (4ft) to legally permit a below ground pool in the Residential First Density (R1) Zone.

The Chair opened the floor to comments by the owners. Mr. David Merritt provided a summary of the requested relief. Mr. Merritt stated his intention to build an in-ground pool. Mr. Merritt provided additional context for the requested relief, including that the pool was designed by a builder who was not aware that the Municipality has separate provisions for exterior and interior side yard setbacks.

The Chair opened the floor to comments by the public. Mr. Maynard raised concerns that the application did not meet the four tests of a minor variance and that the application would set a precedent. The Chair responded that, in her opinion, official plans are general in scope and do not provide specific policies regarding accessory uses. Ms. Dwyer responded a pool is a land use and an activity; as an activity, the application is permitted under the Municipality's Pool By-law, and as a land use, the requested relief meets the general intent of uses under the Zoning By-law. Ms. Dwyer noted that the requested relief is considered minor quantitatively and qualitatively, and would have minimal impact on adjacent properties. Further, Ms. Dwyer noted the application would not set a precedent as each application is judged based on its individual merits. Stacey Blair, member of the Committee, commented that she had initial concerns about safety, however, that these concerns were addressed by the owner and that the requested relief does not impact the intent of an exterior side yard.

A member of the public who did not identify herself, inquired if anyone in the neighbourhood had objected to the application. Ms. Yet responded that Staff had not received any comments in regards to the application.

The Committee passed the following motion:

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lot 17 on Plan 89, Almonte Ward, Municipality of Mississippi Mills, also known municipally as 102 Morton Street, to reduce the minimum required exterior yard setback from 4.5m (14.8ft) to 1.21m (4ft) to legally permit a below ground pool, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted; and,
2. That the owner obtains all required building permits; and,
3. That the owners screen the pool from the front yard in the same opaque cedar fence used on the side yards.

CARRIED

7. **Application** **A-19-19**
Owner(s): Darren McDougall
Legal Description: Plan 6262, Lot 92
Address: 134 Brookdale Avenue
Zoning: Residential First Density (R1)

The owner is requesting relief from the maximum permitted size of an accessory structure from 55m² to 66.89m² to legally permit a detached garage within the Residential First Density (R1) Zone.

The Chair opened the floor to comments by the owner. Mr. Darren McDougall was not in attendance. Ms. Yet provided a summary of the application and acknowledged the concerns of an adjacent property owner regarding the slope between the two properties. Ms. Yet stated that following consultation with the Director of Planning, the Chief Building Official and the Public Works department, it was determined the issue is a civil issue as the Municipality does not have a by-law or other means to mediate or resolve the matter.

The Chair opened the floor to comments by the public. Mr. Maynard sought clarification on the language of the Zoning By-law provision. Ms. Yet stated that the language regarding the size accessory structures in the Zoning By-law does not provide direction on which provision to apply when a proposal meets one but not all the given provisions, however, that it is the practice of Staff to enforce the more restrictive provision.

Mr. Anton Pelteshki, owner of an adjacent property on 5545 Martin Street N., raised his concerns regarding the increase of 20 percent of the maximum allowed size, constituting 12 square metres which would extend the length 2 metres towards the rear of the property where a slope is located and that he believed that removal of existing vegetation and construction of the garage would place the stability of the slope at risk.

The Chair asked Staff if slope stability has been examined at the site. Ms. Dwyer explained that Staff spoke to Public Works who had completed infrastructure extension in the neighbourhood and it was understood that the bedrock in the area is high and that the soil type is not the type to be subject to slope stability issues, however as the lands are private, the information could not be verified. Ms. Dwyer added that there is the possibility for the owner of the subject application to obtain a geotechnical opinion letter regarding the slope. Ms. Blair suggested requiring Site Plan Agreement if a geotechnical opinion letter provides recommendations to improve slope stability. The Chair confirmed with Mr. Pelteshki if this would satisfy his concerns, to which Mr. Pelteshki responded in the affirmative. Following, Ms. Dwyer proceeded to clarify with the Committee the terms of the condition for Site Plan Agreement.

The Committee passed the following motion:

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 6262, Lot 92, Almonte Ward, Municipality of Mississippi Mills, municipally known as 134 Brookdale Avenue, to legally permit the construction of a detached garage with an area of 66.9m², which exceeds the maximum cumulative floor area of 55m² but meets the maximum lot coverage of 50% of the yard in which it is located, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted; and
2. That the owners execute a Development Agreement with the Municipality within ninety (90) days inclusive of the following terms:

- a) That no additional accessory structures may be constructed or exist on the lot simultaneously with the proposed detached garage; and
- 3. That the owner obtains all required building permits; and
- 4. That the owner obtain a geotechnical opinion letter by a qualified engineer;
 - a) And that, if mitigating measures are recommended by the geotechnical opinion letter that the applicant undertake a Site Plan Control Agreement with the Municipality to specify those measures prescribed.

CARRIED

8. Application **A-05-19**
Owner(s): Joe Pert
Legal Description: Plan 6262, Coleman Island's Section, Parts 39 and 48 being Part 1 on Plan 27R2017
Address: 69 Mary Street
Zoning: Residential Third Density (R3)

The owner is requesting relief from the minimum exterior side yard setback within the Residential Third Density (R3) Zone from 6m (19ft) to 4.5m (14.8ft) and the minimum dwelling unit area from 46m² (495ft²) to 41.8m² (449.9ft²) to permit the conversion of a basement suite to an accessory apartment. The conversion would include the addition of a side yard entrance to the proposed accessory apartment. The side yard entrance would encroach into the minimum exterior side yard setback by 1.5m and increase the footprint of the building by 6.57m². Additionally, the conversion of the basement suite to an accessory unit would fall short of the required 46m² minimum dwelling unit area requirement by 4.2m² (45.2ft²).

The Chair opened the floor to comments by the owner. Mr. Joe Pert provided a summary of the requested relief and stated his rationale for building an affordable housing unit based on personal experiences. Mr. Pert outlined concerns of a written letter sent by Mr. Rick Udall, Ms. June Udall and Ms. Joanne Neil of 67 and 65 Mary Street to the Municipality and provided his response to the stated concerns.

The Chair opened the floor to comments by the public. Ms. Honor Bolger commented on the notification process for the public hearing and stated that she believed the specific circumstances of Coleman Island warrants the notification of all residents. The Chair asked Ms. Dwyer to clarify the Municipality's notification process for Minor Variance applications. Ms. Dwyer responded that the Municipality's notification procedures are in accordance with the requirements of the *Planning Act*.

Mr. Udall stated his concerns which include impacts to the neighbourhood demographic, the size of the unit, and that the proposed changes violate the Party Wall Agreement between property owners of 69, 67, 65 and 63 Mary Street. The Chair stated that the Party Wall Agreement is a civil matter and is not taken into consideration by the Committee of Adjustment. Mr. Udall continued and raised concerns regarding parking, emergency vehicle access to the street and access to the fire hydrant. Ms. Yet responded that the application was circulated to the Fire Chief for comment and that none were received. Ms. Yet additionally noted that any parking or driveway access is required to maintain a 3m radius from the fire hydrant located on the property.

Mr. Maynard commented in support of the application.

Ms. Joanne Neil asked questions regarding the placement and sharing of utilities and raised her concerns regarding water servicing. The Chair responded that the placement of utilities within a dwelling is subject to the Ontario Building Code and that the Public Works department raised no concerns regarding servicing.

Ms. Bolger asked questions pertaining to the circulation of the notice and the consideration of comments and concerns of the public. Ms. Blair responded and noted that the application is not related to a change in land use but intensification of the subject lands. Ms. Blair noted that parking issues on Coleman Island should be brought to Council and is not an issue related to the application at hand. Ms. Blair offered that the addition of one dwelling unit would have minimal impacts on parking and further, that the issue of parking related to the unit is unknown, considering the unit has not yet been rented to a tenant. Ms. Blair voiced support of the application in relation to the Provincial Policy Statement which encourages intensification and affordable housing. Councillor Cynthia Guerard commented that three-quarters of downtown Almonte has no parking as a comparison and supported the need for affordable housing options. Ms. Pert commented that the unit and affordable housing in general provides housing options for the aging population, youth and families with children.

Ms. Dwyer outlined procedures to submit an appeal to the Land Planning Appeal Tribunal following the notice of decision. Ms. Dwyer noted that appeals must be based on legitimate planning issues.

The Committee passed the following motion:

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 6262, Coleman Island's Section, Parts 39 and 48 being Part 1 on Plan 27R2017, Almonte Ward, Municipality of Mississippi Mills, municipally known as 69 Mary Street, to reduce the minimum exterior side yard setback from 6m (19ft) to 4.5m (14.8ft) and the minimum dwelling unit area from 46m² (495ft²) to 41.8m² (449.9ft²) to permit the conversion of a basement suite to an accessory apartment, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted; and
2. That the owners obtain all required building permits.

CARRIED

G. ANNOUNCEMENTS

None

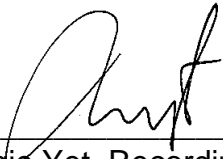
H. ADJOURNMENT

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the meeting be adjourned at 7:28 p.m. as there is no further business before the committee.

CARRIED



Maggie Yet, Recording Secretary