

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
COMMITTEE OF ADJUSTMENT & PROPERTY STANDARDS
MINUTES

Wednesday, November 20, 2019, at 5:30 P.M.

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

PRESENT: Patricia McCann-MacMillan (Chair)
Stacey Blair

ABSENT: Connie Bielby (with regrets)

APPLICANTS/PUBLIC: A-25-19: Jeanne Barr
A-26-19: David & Cyndi Porter
Janet Gibson
Gwen Wark
Kathy Johns
Todd Purdy
A-27-19: Kim Walker-McTaggart
Norm & Dodi Allen
Kristen Cavanagh-Ray
Paul Belhumeur
Jacob Johnston

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. APPROVAL OF AGENDA

Moved by Stacey Blair
Seconded by Patricia McCann-MacMillan

CARRIED

B. DISCLOSURE OF PECUNIARY INTEREST

None.

C. APPROVAL OF MINUTES

1. **October 18th, 2019 PUBLIC MEETING**

Moved by Patricia McCann-MacMillan
Seconded by Stacey Blair

THAT the approval of the Minutes be deferred until the next meeting of the Committee of Adjustment

CARRIED

D. NEW BUSINESS

None.

E. HEARINGS:

1. Minor Variance Application A-25-19

Owner/Applicant: Jeanne & Neil Barr
Legal Description: Lot 11, Concession 12, Being Part 2 on Reference Plan
Plan 26R2373
Address: 1436 12th Concession South Pakenham
Ward: Pakenham
Zoning: Agricultural (A)

The owner/applicant is requesting relief from the minimum front yard setback from 9.0m (29.52ft) to 5.79m (19ft) to legally permit the replacement of an existing cold storage and new construction of an addition to the side of an existing non-farm residential dwelling within the Agricultural (A) Zone.

The Chair opened the floor to comments. The Owner provided a description of building plans and the requested relief. The Chair requested Planning Staff provide additional clarity regarding the application. A discussion with the Committee members, the applicant and Staff ensued regarding the condition recommended by Staff for a location survey to confirm the encroachment. The Director of Planning proposed that if the Committee believed it to be appropriate, that the condition could be removed based on the confidence of the Owner in the location of the structure. The Committee took to a vote and passed the following motion:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lot 11, Concession 12, Being Part 2 on Reference Plan 26R2373, Pakenham Ward, Municipality of Mississippi Mills, municipally known as 1436 12th Concession South Pakenham, to permit the expansion of a legal non-complying cold storage and new addition to a non-farm residential dwelling, subject to the following conditions:

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

CARRIED

2. Minor Variance Application A-26-19

Owner/Applicant: David Porter
Legal Description: Concession 2, Lot 24, Being Part 1 on Reference
Plan 26R2849
Address: 1033 Bellamy Mills Road
Ward: Ramsay
Zoning: Rural (RU)

The applicant is requesting relief from the Home-Based Business – Rural Business provision to permit a catering establishment within the Rural (RU) Zone. The catering establishment would be located within the existing residential dwelling.

The Chair opened the floor to comments. The Owner confirmed the requested relief. Without further discussion, the Committee passed the following motion:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lot 24, Concession 2, Being Part 1 on Reference Plan 26R2849, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 1033 Bellamy Mills Road, to include a catering establishment as a permitted use within the Home Based Business – Rural Business provision, subject to the following conditions:

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

CARRIED

3. Minor Variance Application A-27-19

Owner/Applicant: Roger Vanderbraak
Legal Description: Lot 131, Mitcheson Section, Plan 6262
Address: 64 Waterford Street
Ward: Almonte
Zoning: Residential Second Density (R2)

The applicant is requesting relief from the permitted projection provisions for a canopy from 1.8m but not closer than 3m to a lot line, to 0.086m (8.6cm) from a lot line to legally permit a canopy within the Residential Second Density (R2) Zone. The canopy is located in the interior side yard of the subject property and serves as a roof for a door of a non-conforming attached garage.

The Chair opened the floor to comments. The Owner provided a description of the requested relief and questioned the conditions recommended by Staff for a location survey to verify the encroachment of the canopy projection and eaves troughing. A discussion ensued between the Committee, Planning Staff and the Owner. The Owner provided to the Committee a letter from the adjacent property owner stating no objection to the canopy. The Director of Planning stated that Public Works did not have concerns regarding the application and that if the canopy were to be found non-compliant, it could be altered, removed or could apply for consent from the Land Division Committee. Following, the Committee passed the following motion:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Lot 131, Mitcheson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 64 Waterford Street, to reduce the minimum required setback for a canopy projection from 3m from a lot line to 0m to permit a canopy over the side doo of a non-conforming attached garage, subject to the following conditions:

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

CARRIED

4. Property Standards Appeal A19-1290

Appellant: Kim Walker-McTaggart
Legal Description: Lot 4, Teskey Section, Plan 6262
Address: 170 Augusta Street
Ward: Almonte

The appellant, Kimberly Walker-McTaggart is appealing an Order to Remedy issued October 7, 2019 regarding the property municipally known as 170 Augusta Street in Almonte Ward, Municipality of Mississippi Mills.

The Chair began proceedings by reading a statement and affirmed the Director of Planning prior to testimony. The Director of Planning submitted the Staff Report dated November 20th, 2019 as Exhibit A. The Director of Planning provided a summary of the file, further adding that the Municipality has had difficulty locating the records of the bylaw enforcement officers and that the Order to Remedy addresses the issue of free-feeding animals but does not include complaints around garbage on the subject property.

The appellant provided sworn testimony. The appellant's written notes were accepted into evidence as Exhibit E. The appellant's testimony pertained to the purpose and intent of her practice of leaving food outside and the impacts of the practice in her opinion. The appellant further noted she had no knowledge of the complaints pertaining to garbage and smell on the subject property.

Following, Ms. Kristen Cavanagh-Ray of 162 Augusta Street provided comments to the Committee and a set of images dated April 23rd, 2019 and November 20th, 2019. Ms. Cavanagh-Ray's images were accepted into evidence as Exhibit B and written notes accepted as Exhibit D. Ms. Cavanagh-Ray provided a timeline from June 2016 to November 18, 2019 detailing her observations, concerns, and interactions with the appellant, by-law enforcement and municipal staff. Ms. Cavanagh-Ray concluded with a request to the Committee to amend the Order to Remedy to include the removal of garbage and the derelict vehicle from the subject property.

Following, Mr. Norm Allen of 178 Augusta Street provided comments. Mr. Allen's written notes and attached image were accepted into evidence as Exhibit C. Mr. Allen provided a timeline from May 2018 to August 8, 2019 detailing observations, communication to municipal staff and bylaw enforcement officers, and consequences suffered by the Mr. and Mrs. Allen from the presence of skunks believed to be drawn in by the food left by the appellant on the adjacent property. Mr. Allen further added that he had not asked for the Order issued August 13, 2018 to be rescinded and that he believed the food left by the appellant to attract stray cats did not so much attract stray cats but neighbourhood cats.

Having heard the above sworn testimonies and submissions, the Committee proceeded with discussion. The Committee members agreed with the comments

provided by Ms. Cavanagh-Ray and Mr. Allen and that the Order to Comply issued October 7, 2019 should further be amended to include the removal of garbage and debris from the subject property. The Committee discussed the vehicle on the subject property, however it was determined that it is not considered derelict as it remains licensed and operable.

The Committee passed the following:

That the items of the 'Order to Remedy', dated October 7, 2019, issued against the subject property remains outstanding and continues to be in non-compliance with Property Standards Bylaw 03-35.

Therefore, the Property Standards Appeal Committee makes the following 'Order' with respect to the 'Order to Remedy' dated October 7, 2019, pertaining to 170 Augusta Street, Almonte Ward:

THAT the 'Order to Remedy' be modified as follows:

1. **That all the Items of the 'Order to Remedy' for 170 Augusta Street, Almonte Ward, must be completed on or before December 20th, 2019;**
2. **That the 'Order to Remedy' be confirmed as modified:**
 - a. **That the owner cease and desist the practice of leaving food outdoors that attract rodents, skunks, raccoons or other animals in accordance with Section 2.1.1 and 2.2.1(5) of the Property Standards By-law 03-35;**
 - b. **That all unenclosed garbage and debris on the property be removed from the site in accordance with Section 2.2.1(1) of the Property Standards By-law 03-35.**

CARRIED

F. OTHER BUSINESS

None.

G. ANNOUNCEMENTS

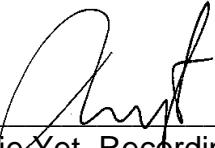
None.

H. ADJOURNMENT

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the meeting be adjourned at 7:37 p.m. as there is no further business before the Committee.



Maggie Yet, Recording Secretary