

****DRAFT MINUTES – MAY BE SUBJECT TO CHANGE PRIOR TO COMMITTEE APPROVAL****

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

Wednesday, January 17th, 2018, at 5:30 P.M.

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

PRESENT: Patricia McCann-MacMillan (Chair)
Stacey Blair
Christa Lowry

ABSENT: None

APPLICANTS/PUBLIC: A-11-17: Jerry & Heather Leonard

STAFF: Andrew Scanlan Dickie, Junior Planner, Recording Secretary

Planner called the meeting to order at 5:31 p.m.

A. APPROVAL OF AGENDA

Moved by Christa Lowry
Seconded by Stacey Blair
THAT the Agenda be accepted.

CARRIED

B. DISCLOSURE OF PECUNIARY INTEREST

None

C. APPROVAL OF MINUTES

- 1. JULY 19, 2017 MEETING**
Moved by Patricia McCann-MacMillan
Seconded by Stacey Blair
THAT the Minutes be accepted.

CARRIED

- 2. DECEMBER 13, 2017 MEETING**
Moved by Stacey Blair
Seconded by Christa Lowry
THAT the Minutes be accepted.

CARRIED

D. NEW BUSINESS

None.

E. HEARINGS:

1. Application A-11-17

Owners: Jerry & Heather Leonard
Municipal Address: 314 Bellamy Mills Road
Legal Description: Concession 5, East ½ Part Lot 25
Ward: Ramsay
Zoning: Rural (RU)

The applicant requested from the Committee of Adjustment permission to reduce the minimum required frontage for a landlocked parcel from 45m to 0m to facilitate the legal construction of a future dwelling, subject to Municipal approval for a laneway along the unopened road allowance north of Concession 6D.

The Chair asked the Planner to provide additional information. The Planner indicated that the lot did not have frontage on a maintained road allowance, but the eastern corner was within 30m of Bellamy Road; that the proposed laneway, by being on an unopened road allowance, would still be useable by the public; and that the intent of the policy was interpreted to require a road/laneway that can be adequately accessed by an emergency vehicle. Further, conditions of the Minor Variance included that the proposed laneway be built to the satisfaction of the Director of Roads & Public Works and the Fire Chief.

The Chair opened the floor to the applicant to add more information, who highlighted conversations with the Roads & Public Works (PW) department about the location and type of road that would be required, and that members of PW staff visited the site and provided initial support of the project.

Next, four (4) members of the public spoke to the application: Mr. Cochran, Mr. Stewart, Mr. Bulger, and Mr. Burtrand. Details of past and present disagreements between neighbours were brought forward, stemming from an incident regarding access to a neighbouring landlocked property to the north of the subject lands along the unopened road allowance. The Chair reminded those in attendance that the floor was to address specific concerns and not to discuss civil matters. Concerns relayed to the Committee were: (1) the need for blasting of a potential 20-foot increase in rocky elevation, how it would impact nearby foundations, and how would it impact wells; (2) that an Environmental Assessment (EA) be required to assess the impacts of clearing the unopened road allowance on vegetation and wildlife; (3) that the Municipality not give any favours and that practice be carried forward for future applications; (4) that municipal vehicles would overtime take on responsibility of maintaining the laneway; and (5) that the civil matter be addressed exterior to the application.

The Chair asked the Planner to explain the intent of the application for clarification, who stated that the decrease in frontage was to legally permit the applicant to receive a building permit for a new home and that the laneway was not the issue at hand, but rather complimentary to the application.

Asked whether they would like to speak again, the applicant re-stated that PW had visited the site and provided direction for building the laneway. Further, he reminded the public that the laneway was not in question, but rather the relief of frontage required for a building permit.

Two members of Council, Councillor Edwards and Councillor Wilkinson, also shared concerns with the application: (1) the Municipality's policy historically does not support the decrease in frontage, thus allowing the requested relief would be dramatic and not minor; (2) the precedent that the application would set for future requests of the same nature; and (3) the civil matter should be resolved exterior to this application. Further comment was also made that the Municipality should examine the legal implications of historic rights-of-way.

Member Blair expressed the importance of dialogue between the applicant and neighbours, but reminded the attendees that a decision is based off the four (4) minor variance tests, with the most applicable being whether the application follows the intent of the Community Official Plan. The consensus among the Committee was that policies do not directly speak to the means of addressing landlocked parcels (such as via private roadways), thus the policy should be interpreted as it is written – that a dwelling shall only be permitted if there is frontage on a maintained road allowance. With that consensus, and that by consequence the application was not minor, the Committee took to a vote. In closing, the Committee encouraged continued communication between landowners to resolve the civil matter.

**Moved by Stacey Blair
Seconded by Christa Lowry**

THAT the Municipality of Mississippi Mills Committee of Adjustment REFUSES the Minor Variance for the lands legally described as Concession 5, East ½ Part Lot 25, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 314 Bellamy Mills Road, to reduce the minimum required non-farm residential frontage from 45m to 0m to legally recognize the construction of a future single detached dwelling.

CARRIED

F. OTHER BUSINESS

1. Election of Committee Chair

**Moved by Christa Lowry
Seconded by Stacey Blair**

THAT Patricia McCann-MacMillan continue to serve as Committee Chair for the 2018 term.

2. Committee of Adjustment Meeting Schedule 2018
Moved by Stacey Blair
Seconded by Patricia McCann-MacMillan
THAT the Meeting Schedule of 2018 be approved, with the December 2018 date to be determined.

G. ANNOUNCEMENTS

Nicole Dwyer has been hired to serve as the new Director of Building & Planning and will begin March 1.

H. ADJOURNMENT

There being no further business before the Committee, the meeting was adjourned at 6:40 p.m.

Andrew Scanlan Dickie, Recording Secretary