

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

Wednesday, July 18, 2018, at 5:30 P.M.

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

PRESENT: Patricia McCann-MacMillan (Chair)
Stacey Blair

ABSENT: Christa Lowry

APPLICANTS/PUBLIC: A-09-18: Simon Shearman
A-10-18: Chris Ryan
Darlene Ryan
A-11-18: Sean Quinlan
Chris Quinlan
John Keindel
A-12-18: Billy Houchaimi
A-13-18: Billy Houchaimi
A-14-18: Billy Houchaimi
A-15-18: Billy Houchaimi

STAFF: Andrew Scanlan Dickie, Junior Planner, Recording Secretary
Niki Dwyer, Director of Planning

Planner called the meeting to order at 5:30 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. MAY 23rd, 2018 PUBLIC MEETING

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the Minutes be accepted.

CARRIED

D. NEW BUSINESS

None.

E. HEARINGS:

1. Application A-09-18

Owner/Applicant: Simon Shearman
Address: 362 Perth Street
Legal Description: Plan 4005, Lot 36
Ward: Almonte
Zoning: Residential First Density Exception 1 (R1-1)

The applicant requested relief from the interior side yard setback within the Residential First Density Exception 1 (R1-1) Zone from 2.3m (7.5ft) to 1.4m (4.6ft) to legally permit the construction of a carport on the western side of an existing single-detached dwelling within the Gemmill Park Subdivision.

The Committee expressed no issues, nor did members of the public, as the remaining side yard was generous for circulation and maintenance. As noted by Staff, the grading plan would be a condition of the approval. Without further discussion, 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 Plan 4005, Lot 37, Almonte Ward, Municipality of Mississippi Mills, municipally known as 362 Perth Street, to reduce the minimum required interior yard setback from 2.3m (7.5ft) to 1.4m (4.6ft) to legally permit the construction of a carport on the side of an existing single-detached dwelling, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That a grading plan be submitted to and approved by the Municipality prior to being permitted to construct; and**
- 3. That the owner obtains all required building permits.**

CARRIED

2. Application A-12-18

Owner: 2476342 Ontario Inc (Doyle Homes)
Applicant: Fotenn Planning + Design
Legal Description: Con 10, Pt Lot 14, Plan 27M-78, Lt 9
Ward: Almonte
Zoning: Residential First Density Subzone I (R1I)

The applicant requested relief from the bungalow lot coverage maximum within the Residential First Density Subzone I (R1I) Zone from 45% to 46.41% to legally permit the construction of a single-detached bungalow within the Riverfront Estates Subdivision (Phase 4). The Zoning of the subject lands was originally intended to be permitted to have 50% lot coverage for two-storey dwellings and 55% for bungalows as part of By-law #16-74, but the zoning category was mislabeled and

the coverage requirements reverted back to those of the parent R11 Zone. Without further discussion, 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 Concession 10, Part Lot 14, Plan 27M-78, Lot 9, Almonte Ward, Municipality of Mississippi Mills, municipally known as 863 Jack Dalgity Street, to increase the maximum bungalow lot coverage from 45% to 46.41% to legally recognize the construction of 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 owners obtain all required building permits.

CARRIED

3. Application A-13-18

Owner: 2476342 Ontario Inc (Doyle Homes)
Applicant: Fotenn Planning + Design
Legal Description: Con 10, Pt Lot 14, Plan 27M-78, Lt 15
Ward: Almonte
Zoning: Residential First Density Subzone I (R1I)

The applicant requested relief from the bungalow lot coverage maximum within the Residential First Density Subzone I (R1I) Zone from 45% to 47.80% to legally permit the construction of a single-detached bungalow within the Riverfront Estates Subdivision (Phase 4). The Zoning of the subject lands was originally intended to be permitted to have 50% lot coverage for two-storey dwellings and 55% for bungalows as part of By-law #16-74, but the zoning category was mislabeled and the coverage requirements reverted back to those of the parent R11 Zone. Without further discussion, 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 Concession 10, Part Lot 14, Plan 27M-78, Lot 15, Almonte Ward, Municipality of Mississippi Mills, municipally known as 868 Jack Dalgity Street, to increase the maximum bungalow lot coverage from 45% to 47.80% to legally recognize the construction of 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 owners obtain all required building permits.

CARRIED

4. Application A-14-18

Owner: 2476342 Ontario Inc (Doyle Homes)
Applicant: Fotenn Planning + Design
Legal Description: Con 10, Pt Lot 14, Plan 27M-78, Lt 16

Ward: Almonte
Zoning: Residential First Density Subzone I (R1I)

The applicant requested relief from the bungalow lot coverage maximum within the Residential First Density Subzone I (R1I) Zone from 45% to 46.83% to legally permit the construction of a single-detached bungalow within the Riverfront Estates Subdivision (Phase 4). The Zoning of the subject lands was originally intended to be permitted to have 50% lot coverage for two-storey dwellings and 55% for bungalows as part of By-law #16-74, but the zoning category was mislabeled and the coverage requirements reverted back to those of the parent R1I Zone. Without further discussion, 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 Concession 10, Part Lot 14, Plan 27M-78, Lot 16, Almonte Ward, Municipality of Mississippi Mills, municipally known as 866 Jack Dalgity Street, to increase the maximum bungalow lot coverage from 45% to 46.83% to legally recognize the construction of 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 owners obtain all required building permits.**

CARRIED

4. Application A-15-18

Owner: 2476342 Ontario Inc (Doyle Homes)
Applicant: Fotenn Planning + Design
Legal Description: Con 10, Pt Lot 14, Plan 27M-78, Lt 22
Ward: Almonte
Zoning: Residential First Density Subzone I (R1I)

The applicant requested relief from the bungalow lot coverage maximum within the Residential First Density Subzone I (R1I) Zone from 45% to 47.80% to legally permit the construction of a single-detached bungalow within the Riverfront Estates Subdivision (Phase 4). The Zoning of the subject lands was originally intended to be permitted to have 50% lot coverage for two-storey dwellings and 55% for bungalows as part of By-law #16-74, but the zoning category was mislabeled and the coverage requirements reverted back to those of the parent R1I Zone. Without further discussion, 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 Concession 10, Part Lot 14, Plan 27M-78, Lot 22, Almonte Ward, Municipality of Mississippi Mills, municipally known as 852 Jack Dalgity Street, to increase the maximum bungalow lot coverage from 45% to 47.80% to legally recognize the construction of 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 owners obtain all required building permits.

CARRIED

5. Application A-10-18

Owner: Chris & Darlene Ryan
Address: 3368 12th Concession North Pakenham
Legal Description: Con 12, Part Lot 26, Plan 27R-5441, Parts 1 & 2
Ward: Pakenham
Zoning: Limited Service Residential (LSR)

The applicant requested relief from the 30m setback from the high-water mark of Lake Madawaska in accordance with Section 6.24(2) of the Zoning Bylaw General Provisions. The relief would permit the construction of: (1) a covered front porch (5.2m by 6.7m); and (2) an attached garage structure (7.3m by 4.9m).

The Chair discussed flood proofing of the proposed non-habitable addition and the impact it may have on development creep. To address the possibility of the covered front porch evolving into a habitable space, the Chair recommended to include a condition addressing electrical flood proofing. Without further discussion, 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 lands legally described as Part Lot 26, Concession 12; being Parts 1 and 2 on Reference Plan 27R-5441, Pakenham Ward, Municipality of Mississippi Mills, municipality known as 3368 12th Concession North Pakenham, to reduce the minimum required setback from the high-water mark of the shoreline from 30m to 24.3m to accommodate the construction of a covered front porch, and an attached garage to the existing main dwelling, subject to the following conditions:

1. That the Minor Variance is approved based on the plans submitted;
2. That the owners obtain Site Plan Approval from Council of the Municipality of Mississippi Mills;
3. That the porch be flood proofed in terms of electrical outlets in the event the covered porch is converted to habitable space and that the flood proofing comply with electrical safety requirements; and
4. That the owners obtain all required building permits.

CARRIED

6. Application A-11-18

Owner: Sean Quinlan
Legal Description: Con 8, Part Lot 27, Plan 27R-10331, Part 2
Ward: Pakenham
Zoning: Rural (RU)

The applicant requested relief from accessory structure provisions to permit the location of 8 (eight) structures prior to the construction of a permanent dwelling.

The structures are proposed to contain equipment, tools, and supplies required for site preparation of a future year-round residence. Further, the applicant is requesting permission to locate a recreational vehicle and pool on site prior to construction.

The Chair invited members of the public to speak to the application. One individual, a nearby property owner, expressed concerns of: (1) impacts that the aesthetics of so many structures may have on the resale of other properties, and (2) environmental risks associated with the outhouse and pool. The Planner further explained the method of greywater removal and informed the Committee that the Health Unit will be requiring a sewage permit and a further condition as part of a potential approval (see condition #5).

The Committee asked about how the request conforms to the Community Official Plan. The Planner explained that the COP does not comment on nor contemplate when a dwelling must be built in relation to its accessory structures. The intent of the COP allows for temporary zoning and accessory structures to be assessed via the Zoning By-law. The Planner further clarified that the mobile home on site is typically permitted during construction and that the minor variance would provide flexibility in this regard. However, a Development Agreement, to be registered on title, would set out a maximum date for the legal use of structures without a permanent dwelling on the lot.

The Chair questioned whether Site Plan Control would be appropriate for the subject lands as it adds control to how the landowner develops the property. The Planner expressed that requesting Site Plan Control instead of or in conjunction with the Development Agreement would be redundant; the number of buildings has the most impact, which can be regulated by a registered agreement. Without further discussion, 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 lands legally described as Concession 8, Part Lot 27, PLAN 27R-10331, Part 2, Pakenham Ward, to recognize existing accessory structures on the lands pre-emptive to the construction of a permanent dwelling on the site, subject to the following terms:

- 1. That the Minor Variance is approved based on the plans approved by the Planning Department; and**
- 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;**
 - b. That a construction timeline for the permanent dwelling be established;**
 - c. That demolition timelines for the temporary accessory buildings and structures be established; and**
 - d. That all temporary and permanent accessory structures currently located on the site be identified;**

3. That the owners obtain all required building permits and pay all fees owing for the established accessory structures, including occupancy of the Mobile Home;
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; and
5. That a sewage permit application be submitted for approval, reflective of the sewage daily design flows of the proposed new house, subject to a written undertaking agreement that the septic system be approved and installed within 12 months, and to be used as a “temporary” holding tank as an interim measure.

CARRIED

F. OTHER BUSINESS

The Planner shared conversations with MOECC about recommended influence area setbacks from industrial lands (regarding the minor variance for Abramenko A-04-18). As per their correspondence, the Ministry provides recommendations and delegates the finalization of setbacks to the Municipality. The Municipality of Mississippi Mills considers industrial setbacks from uses and not zones; thus, since the home is being placed prior to any industrial use being present, the setback does not apply.

G. ANNOUNCEMENTS

None.

H. ADJOURNMENT

Moved by Stacey Blair

Seconded by Patricia McCann-MacMillan

THAT the meeting be adjourned at 6:24 p.m. as there is no further business before the Committee.

Andrew Scanlan Dickie, Recording Secretary