

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

**Wednesday, September 18, 2019, at 5:30 P.M.**

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

**A. CALL TO ORDER**

**B. APPROVAL OF AGENDA**

**C. DISCLOSURE OF PECUNIARY INTEREST**

**D. APPROVAL OF MINUTES**

1. Committee of Adjustment – **Pages 1 to 11**  
Committee motion to approve the Committee of Adjustment Minutes from the meeting held on August 14<sup>th</sup>, 2019.

**E. NEW BUSINESS**

None.

**F. HEARINGS**

**1. Application A-21-19 – Pages 12 to 22**

**Owner(s):** Kazia Homes Inc.  
**Applicant:** Kazem Ziai  
**Legal Description:** Plan 6262, Lot 11  
**Address:** 33 Harold Street  
**Zoning:** Residential Second Density (R2)

The applicant is requesting relief from the minimum lot frontage for a semi-detached dwelling from 10m (32.81ft) to 8.98m (29.46ft) and 9.10m (29.86ft) within the Residential Second Density (R2) Zone to legally the construction of one semi-detached dwelling (two units).

**2. Application A-22-19 – Pages 23 to 35**

**Owner(s):** Emmanuel Neilz and Brigitte Reid  
**Legal Description:** Plan 6262, Henderson Section, Block D, Lots 1 & 2  
**Address:** 41 Martin Street N  
**Zoning:** Residential Second Density (R2)

The owners/applicants are requesting relief from the minimum rear yard setback from 7.5m (24.61ft) to 0.61m (2.0ft) and maximum permitted projection from 0.3m (0.98ft) to a lot line, to 0.2m (0.67ft) to a lot line within the Residential Second Density (R2) Zone to legally permit the replacement and expansion of a non-conforming attached garage, where the existing setback is 0.37m. The proposed addition would expand the footprint and massing of the existing building and would maintain the existing building line from the rear lot line.

**3. Application A-09-19 – Pages 36 to 46**

**Owner(s):** Jill McCubbin  
**Legal Description:** Plan 6262, Anderson Section, Part Lot 14  
**Address:** 172 Elgin Street  
**Zoning:** Residential Second Density (R2)

The applicant is requesting relief from the minimum dwelling unit area within the Residential Second Density (R2) Zone from 46m<sup>2</sup> (495ft<sup>2</sup>) to 31.9m<sup>2</sup> (344ft<sup>2</sup>) to legally permit the renovation and addition to a portion of a former single detached dwelling to construct an accessory apartment.

**G. OTHER BUSINESS**

None.

**H. ANNOUNCEMENTS**

None.

**I. ADJOURNMENT**

**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**

<b>PRESENT:</b>	Patricia McCann-MacMillan Stacey Blair	
<b>REGRETS:</b>	Connie Bielby	
<b>APPLICANTS/PUBLIC:</b>	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 C. Bev Holmes
	A-06-19	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
<b>STAFF:</b>	Niki Dwyer, Director of Planning Maggie Yet, Planner 1, Recording Secretary	

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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 14<sup>th</sup>, 2019 meeting of the Committee of Adjustments be approved.

**CARRIED****C. DISCLOSURE OF PECUNIARY INTEREST**

None.

**D. APPROVAL OF MINUTES**1. June 19<sup>th</sup>, 2019 – Public Meeting**Moved by Patricia McCann-MacMillan****Seconded by Stacey Blair**

**THAT** the Committee of Adjustment approve the minutes of June 19<sup>th</sup>, 2019 meeting as presented.

**CARRIED****E. NEW BUSINESS**

None.

**F. HEARINGS**

- |                           |   |
|---------------------------|---|
| 1. <b>Application</b>     | <b>A-12-19 to A-17-19</b>   |
| <b>Owner(s):</b>          | Neilcorp Homes  |
| <b>Appliant:</b>          | Novatech  |
| <b>Legal Description:</b> | Concession 10, Part Lot 16 being Lots 2 to 7 on Registered Plan 27M90 |
| <b>Address:</b>           | Not assigned  |
| <b>Zoning:</b>            | 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**

- |                           |                                |
|---------------------------|--------------------------------|
| <b>2. Application</b>     | <b>A-06-19</b>                 |
| <b>Owner(s):</b>          | Serge Monette                  |
| <b>Legal Description:</b> | Plan 842, Lot 2                |
| <b>Address:</b>           | 490 River Road                 |
| <b>Zoning:</b>            | 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**

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

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

The owner is requesting relief from the maximum permitted size of an accessory structure from 55m<sup>2</sup> to 66.89m<sup>2</sup> 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 66.9m<sup>2</sup>, which exceeds the maximum cumulative floor area of 55m<sup>2</sup> 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**

<b>8. Application</b>	<b>A-05-19</b>
<b>Owner(s):</b>	Joe Pert
<b>Legal Description:</b>	Plan 6262, Coleman Island's Section, Parts 39 and 48 being Part 1 on Plan 27R2017
<b>Address:</b>	69 Mary Street
<b>Zoning:</b>	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 46m<sup>2</sup> (495ft<sup>2</sup>) to 41.8m<sup>2</sup> (449.9ft<sup>2</sup>) 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 6.57m<sup>2</sup>. Additionally, the conversion of the basement suite to an accessory unit would fall short of the required 46m<sup>2</sup> minimum dwelling unit area requirement by 4.2m<sup>2</sup> (45.2ft<sup>2</sup>).

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 46m<sup>2</sup> (495ft<sup>2</sup>) to 41.8m<sup>2</sup> (449.9ft<sup>2</sup>) 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**



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Maggie Yet, Recording Secretary

## THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

### PLANNING REPORT

**MEETING DATE:** September 18, 2019  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-21-19**  
**Plan 6262, Lot 11**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 33 Harold Street**

**OWNER:** Kazia Homes Inc.  
**APPLICANT:** Kazem Ziai

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#### RECOMMENDATION:

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Lot 11, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 33 Harold Street, to reduce the minimum lot frontage for a semi-detached dwelling from 10m (32.81ft) to 8.98m (29.46ft) and 9.10m (29.86ft) in the Residential Second Density (R2) Zone to legally allow the construction of one semi-detached dwelling (two units), 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.

#### PURPOSE AND EFFECT

The applicant is requesting relief from the minimum lot frontage provisions for a semi-detached dwelling from 10m (32.81ft) to 8.98m (29.46ft) and 9.10m (29.86ft) within the Residential Second Density (R2) Zone to legally permit the construction of one semi-detached dwelling (two units). The Minor Variance request is outlined below:

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

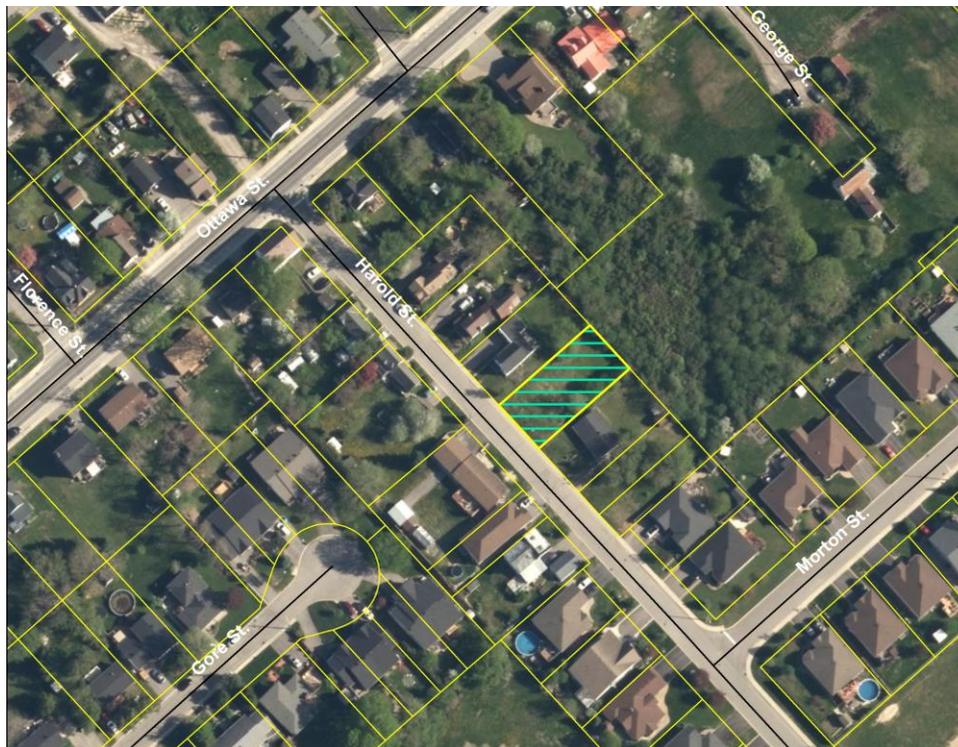
Section	Zoning Provision	By-law Requirement	Requested
Table 14.2A	Minimum Lot Frontage	10m (32.81ft)	8.98m (29.46ft) and 9.10m (29.86ft)

#### DESCRIPTION OF SUBJECT LANDS

The subject property is located on Harold Street in Almonte Ward. The property is 685.16m<sup>2</sup> (7,3755ft<sup>2</sup>) in size with a frontage of ±18.08m (59.32ft). The property is presently vacant. The applicant has submitted a site plan application proposing the development of one semi-detached dwelling (two units) on the subject property.

The property is generally surrounded by low density residential uses. The location of the subject property is depicted in the following aerial photo:

**Figure 1. – Aerial Photo of Property (2017)**



### **SERVICING & INFRASTRUCTURE**

The subject property is not presently serviced by municipal water and sewer services; however, water and sewer lines are available along Harold Street although no laterals exist at this time. Future driveway access for both units would be located on Harold Street, a municipally owned and maintained road. The municipal servicing and infrastructure demands would change negligibly as a result of the application. The applicant has submitted a Site Plan Control application as per By-law #15-60 which requires the applicant to indicate where and how future infrastructure would service the site.

### **COMMENTS FROM CIRCULATION OF THE APPLICATION**

#### **COMMENTS FROM INTERNAL CIRCULATION**

Comments received based on the circulation of this application have been summarized below:

**CAO:** No comments received.

**CBO:** No comments received.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** No concerns on the minor variance.

**Recreation Coordinator:** No concerns.

#### **COMMENTS FROM EXTERNAL AGENCIES**

**Mississippi Valley Conservation Authority:** A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened this application out of our formal review process. Please note that we are still considering the Site Plan Control Application associated with the same property and will follow up with comments asap.

### **COMMENTS FROM THE PUBLIC**

No comments have been received from the public as of the date this report was prepared.

### **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 (4) 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 "Residential" in the Municipality's Community Official Plan (COP). The Residential designation permits low and medium density residential uses and accessory uses. The Municipality's COP does not specifically address or contain policies related to minimum lot frontage for properties located within the Residential designation. As such, the requested variances conform to the general intent and purpose of the COP.

#### **2. Does the proposal maintain the intent of the Zoning By-law?**

The subject property is zoned "Residential Second Density (R2)" by the Municipality's Comprehensive Zoning By-law #11-83. The R2 Zone permits detached dwellings, duplex dwellings, semi-detached dwellings and triplex dwellings, and accessory uses, buildings and structures. The applicant is applying to reduce the minimum lot frontage requirement in order to permit the construction of a semi-detached dwelling with two units on the subject property.

#### **Minimum Lot Frontage Requirement**

The purpose of minimum lot frontage requirement is to ensure that there is sufficient room to construct a dwelling and adequate room for a driveway, thus avoiding negative impacts to lot landscaping and building design. Furthermore, minimum lot frontage provides a means for more uniform massing across multiple lots.

Given the extent of the relief requested, Staff is of the opinion that a reduction in the minimum lot frontage requirement of 10m to 8.98m and 9.10m is minimal, constituting respective reliefs of 1.02m and 0.9m, and would not prevent the lot from accommodating a semi-detached dwelling and two driveways, or compromise space for landscaping and building design. As such, Staff are of the opinion that the frontage reduction has negligible impact and that the proposed variance maintains the general intent of Zoning By-law #11-83.

#### **3. Is the proposal desirable for the appropriate development of the lands in question?**

The proposal is desirable for the appropriate development and use of the land as it facilitates the construction of a permitted use within the R2 Zone. The R2 Zone permits a wide range of

housing types that, although considered to be low density, contribute to the intensification principles of the Community Official Plan and Provincial Policy Statement, 2014. Generally, the lot as a whole (both units combined) remains in compliance with the Zoning By-law and thus the development poses minimal concern to adjacent properties and the general neighbourhood.

As noted above, the applicant has submitted a Site Plan Control application as per By-law #15-60 which will evaluate the logistics related to placement of driveways, utilities, buffering, lighting and garbage. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

#### **4. Is the proposal minor?**

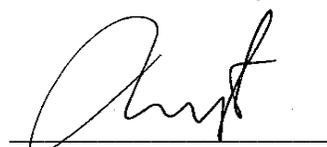
The proposed variance to the minimum lot frontage would reduce the requirement from 10m (32.81ft) to 8.98m (29.45ft) and 9.10m (29.86ft), resulting in a requested relief of 1.02m and 0.9m respectively. Staff do not consider the request significant from a qualitative perspective, as the impacts are negligible and the proposal demonstrates no foreseeable impacts to the property in question or to adjacent properties. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

#### **CONCLUSION**

Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believe that Minor Variance application A-21-19 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends 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 other than as follows:

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

All of which is respectfully submitted,



Maggie Yet  
Planner 1



Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

#### **ATTACHMENTS:**

SCHEDULE A – Site Plans  
SCHEDULE B – Grading Plan  
SCHEDULE C – Lot Sketch

# Schedule A Site Plans

- WALL CONSTRUCTION KEY**
- 1 ROOF
  - 25 TRYPHALT SHINGLES
  - ROOFING MEMBRANE
  - 3/8" OSB-G2 SHEATHING
  - ENG APPRX TRUSSES @ 24" O.C.
  - R22 FIBERGLASS BATT INSULATION
  - 6 MIL POLY AV BARRIER, ALL EDGES SEALED
  - 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

- 1/2" GYPSUM BOARD, TAPED & MUDDED, PLUMB FLOOR
- 2x4 5/8" N2 STUDS @ 24" O.C.
- R22 FIBERGLASS BATT INSULATION
- 6 MIL POLY AV BARRIER, ALL EDGES SEALED
- 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

**GENERAL NOTES:**

1. DO NOT SCALE DRAWINGS.
  2. CONTRACTOR IS RESPONSIBLE TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCY, ERRORS OR OMISSIONS SHOULD BE REPORTED TO DESIGNER BEFORE PROCEEDING WITH WORK.
  3. ALL WORK TO BE IN COMPLIANCE WITH ALL CODES, REGULATIONS AND BY-LAWS.
  4. DESIGN DRAWINGS TO BE READ IN CONJUNCTION WITH ANY ENGINEERING, MECHANICAL AND ELECTRICAL DRAWINGS & SPECIFICATIONS, TRUSSES & FOUNDATION TO BE ENGR. APPROVED.
  5. ALL WOOD FRAMING LUMBER TO OBC STANDARD SIZES OF JOISTS, UNTELS, ETC. INDICATED ON DRAWINGS, SPECIFIED AS PER 5/8" NO 1 & 2 OR BETTER.
- STAIRS**
- MAX. RISE: 7 3/8" MIN. RISE: 4 3/8"
  - MAX. RUN: 14" MIN. RUN: 8 1/2"
  - MAX. TREAD: 14" MIN. TREAD: 9 1/2"
- HAND RAIL HEIGHTS: 32" ABOVE STAIR, 36" AT MAIN LANDINGS, 42" AT BALCONIES
- MIN. STAIR WIDTH: 3'-0"

GUARDS MAX 4" SPAC BETWEEN VERTICAL PICKETS WITH NO HORIZONTAL MEMBERS BETWEEN 4" & 36" ABOVE BALCONY FLOOR.

**SMOKE ALARMS**

  1. 1 x CO/CO2 ALARMS SHALL BE INSTALLED ON EACH STOREY.
  2. SMOKE ALARMS SHALL HAVE A VISUAL SIGNAGING COMPONENT CONFORMING TO THE REQUIREMENTS IN 16.5.2. LIGHT, COLOUR AND FLASH CHARACTERISTICS OF NFPA 72, "NATIONAL FIRE ALARM & SIGNALING CODE."
  3. SMOKE ALARMS SHALL BE INSTALLED AT OR NEAR THE CEILING.
  4. SMOKE ALARMS SHALL BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CURRENT, WITH A BATTERY BACKUP.
  5. ALL SMOKE ALARMS SHALL BE INTERCONNECTED SUCH THAT IF ONE ALARM SOUNDS, THEY WILL ALL SOUND.

**HVAC**

HEAT TO BE PROVIDED BY HIGH EFFICIENCY NATURAL GAS FURNACE. >> 92% DOWN TO BE >> 92% EFFICIENCY.

ALL FURNACES TO HAVE DRAIN THAT RECOVERY SYSTEM.

- 2 EXTERIOR WALL**
- SIDING AS PER ELEVATIONS
  - TYRAX OR EQUIVALENT AIR BARRIER, ALL EDGES SEALED
  - 1/2" OSB-G2 SHEATHING
  - 2x4 5/8" N2 STUDS @ 24" O.C.
  - R22 FIBERGLASS BATT INSULATION
  - 6 MIL POLY AV BARRIER, ALL EDGES SEALED
  - 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

- 3 PARTY WALL**
- AS PER 9/9 PARTY WALL DETAIL

- 4 INTERIOR WALL, TYPICAL**
- 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED
  - 2x4 5/8" STUDS @ 24" O.C.
  - 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

- 5 SERVICE WALL**
- 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED
  - 2x4 5/8" STUDS @ 24" O.C.
  - 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

- 6 FLOOR TYPICAL**
- 1 HARDWOOD / CARPET / TILE AS PER PLANS
  - 2 OSB-G2 SUB-FLOOR
  - 1 1/2" ENG. APPR. T.J. JOISTS @ 19.2" O.C.
  - 1 1/2" STRAPPING
  - 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

- 7 WMC STEEL TELEPOST ON 42x46x10" CONC. PAD FOOTING**
- REIN. 1.0M @ 8" O.C.

- 8 8" POURED CONC. WALL ON 16x16" CONTINUOUS CONC. FOOTING**
- REIN. 1.0M @ 8" O.C.

- 9 4" WATERING TILE**
- MIN. 6" CLEAR STONE COVER

- 10 BASEMENT FLOOR**
- 3" CONC. SLAB
  - REIN. 1.0M G.G. MESH
  - 2" RIGID FOM INSULATION
  - 2" GRANULAR A, COMPACTED
  - UNDISTURBED SOIL

- 11 BASEMENT WALL**
- 1 AIR SPACE
  - 2x4 5/8" N2 STUDS @ 24" O.C.
  - R14 FIBERGLASS BATT INSULATION
  - 6 MIL POLY AV BARRIER, ALL EDGES SEALED
  - 1/2" GYPSUM BOARD, TAPED, MUDDED & PAINTED

- 12 12x12" CONCRETE GRADE BEAM**
- REIN. WITH 2-1 1/2" TOP & BOTTOM

- 13 12x12" MIN. CONC. PILES**
- REIN. WITH 2-1 1/2" M VERTICAL.

- 14 GARAGE FLOOR**
- 4" CONC. SLAB REIN. W/ 2-1 1/2" M
  - 4" SLOPE TO DOOR

- 15 GARAGEHOUSE WALL**

NO.	WIDTH	HEIGHT	QTY	UNTEL	COMMENTS
W1	4'-5"	1'-5"	4	2 PLY 2x6	
W2	5'-0"	2'-0"	2	2 PLY 2x6	
W3	2'-0"	4'-0"	4	2 PLY 2x6	
W4	4'-0"	4'-0"	4	2 PLY 2x6	
W5	2'-0"	3'-0"	2	2 PLY 2x6	
W6	3'-0"	4'-0"	3	2 PLY 2x6	
W7	7'-6"	4'-0"	1	2 PLY 2x6	
W8	2'-0"	5'-0"	2	2 PLY 2x6	
W9	6'-0"	5'-0"	2	2 PLY 2x6	
W7	5'-0"	5'-0"	2	2 PLY 2x6	

Item	Description	Quantity	Unit	Part 1	Part 2	Part 3	Part 4
1	Project Description - New Dwelling						
2	Major Alterations						
3	Building Area (sq ft)	2,050	sq ft				
4	Construction Cost (\$)	205,000	\$				
5	Number of Rooms	10					
6	Number of Bathrooms	2					
7	Number of Bedrooms	2					
8	Number of Floors	1					
9	Number of Stairs	1					
10	Number of Garages	1					
11	Number of Pools	0					
12	Number of Decks	0					
13	Number of Patios	0					
14	Number of Fences	0					
15	Number of Retaining Walls	0					
16	Number of Driveways	0					
17	Number of Sidewalks	0					
18	Number of Stairs	0					
19	Number of Landscaping	0					
20	Number of Other	0					
21	Number of Total	10					

NO.	WIDTH	HEIGHT	QTY	UNTEL	COMMENTS
D1	1'-6"	7'	2	AS PER PLANS	DESIGNER SERIES OVERHEAD DOOR
D2	3'-0"	6'-8"	2	2 PLY 2x6	INSULATED STEEL CRAFTSMAN STYLE 1/2 LITE
D3	2'-8"	6'-8"	2	2 PLY 2x6	INSULATED STEEL ENTRY, FULL LITE
D4	2'-8"	6'-8"	2	2 PLY 2x6	INSULATED STEEL ENTRY, NO GLASS
D5	2'-8"	6'-8"	2	2 PLY 2x6	INTERIOR SLAB DOOR
D6	2'-0"	6'-8"	12	2 PLY 2x6	INTERIOR SLAB DOOR
D7	2'-4"	6'-8"	2	2 PLY 2x6	INTERIOR SLAB DOOR
D8	6'-0"	6'-8"	2	2 PLY 2x6	FOLDING CLOSET DOORS
D9	2'-0"	6'-8"	4	2 PLY 2x6	FOLDING CLOSET DOORS
D10	3'-0"	6'-8"	2	2 PLY 2x6	INTERIOR SLAB DOOR, BARN TRACK HARDWARE



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 110-02079 ST GARDNER PLACE ON KOA RD - 615737448 - BCN 11008

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**INDEX**

- A-0 COVER SHEET
- A-1 FOUNDATION PLAN
- A-2 MAIN FLOOR PLAN
- A-3 SECOND FLOOR PLAN
- A-4 SOUTH ELEVATION
- A-5 EAST ELEVATION
- A-6 NORTH ELEVATION
- A-7 WEST ELEVATION
- A-8 SECTION
- A-9 PARTY WALL DETAIL

NO.	DATE	REVISIONS
1	2025.06	XXXXXXXXXX

**REVISIONS**

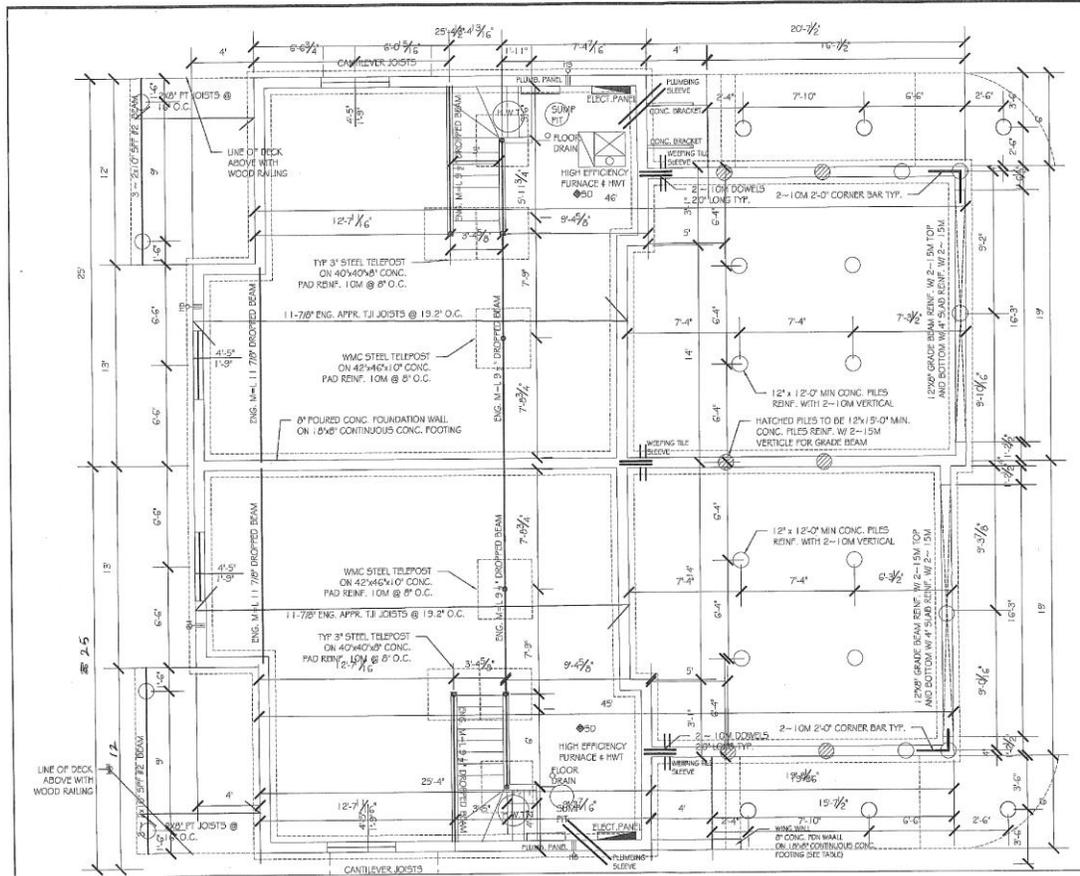
Kazia Homes Inc Duplex  
 33 HAROLD ST  
 ALMONTE, ON K0A 1A0

**COVER SHEET**

DRAWN BY: MELANIE SMITH  
 BCN 40034

SCALE: **A-0**

20 DEC 2016





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**FOUNDATION PLAN**

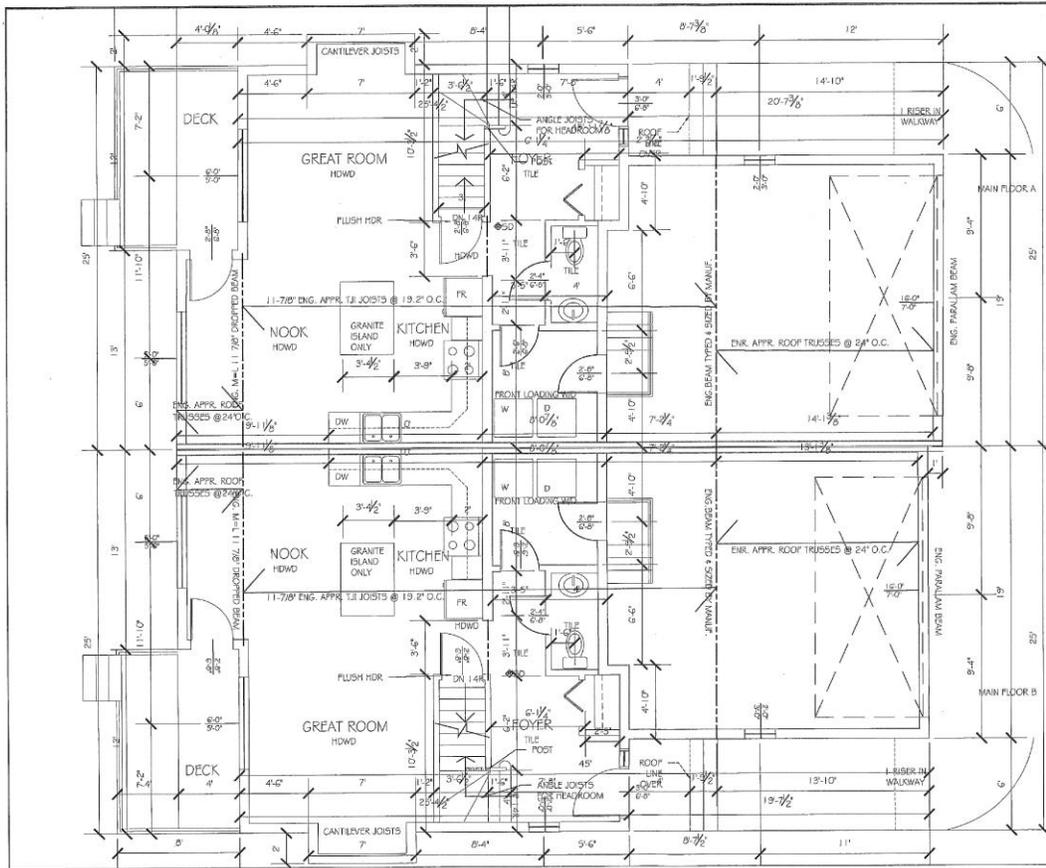
NO. OF RISERS	DISTANCE FROM TO SUB-FLOOR TO TO WINGWALL (VERANDA TO BE 4" BELOW SUB-FLOOR)
2	25"
3	31"
4	38"
5	46"
6	53"

Scale: 3/16" = 1'-0"

DATE: 21 JUNE 2019

DATE: 26 JULY 2019

**A-1**



MELANIE SMITH  
1001-4000

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
1001 WILSON ST. COLLETON PLACE ON LIC 288 - 4-1037-10400 - BOX 11000

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NO. 1001

**Kazia Homes Inc**  
Duplex  
33 HAROLD ST  
ALMONTE, ON K0A 1A0

FRAME WALLS @ 24" O.C.  
MAIN FLOOR A: 1116.7 FT<sup>2</sup>  
MAIN FLOOR B: 1090 FT<sup>2</sup>

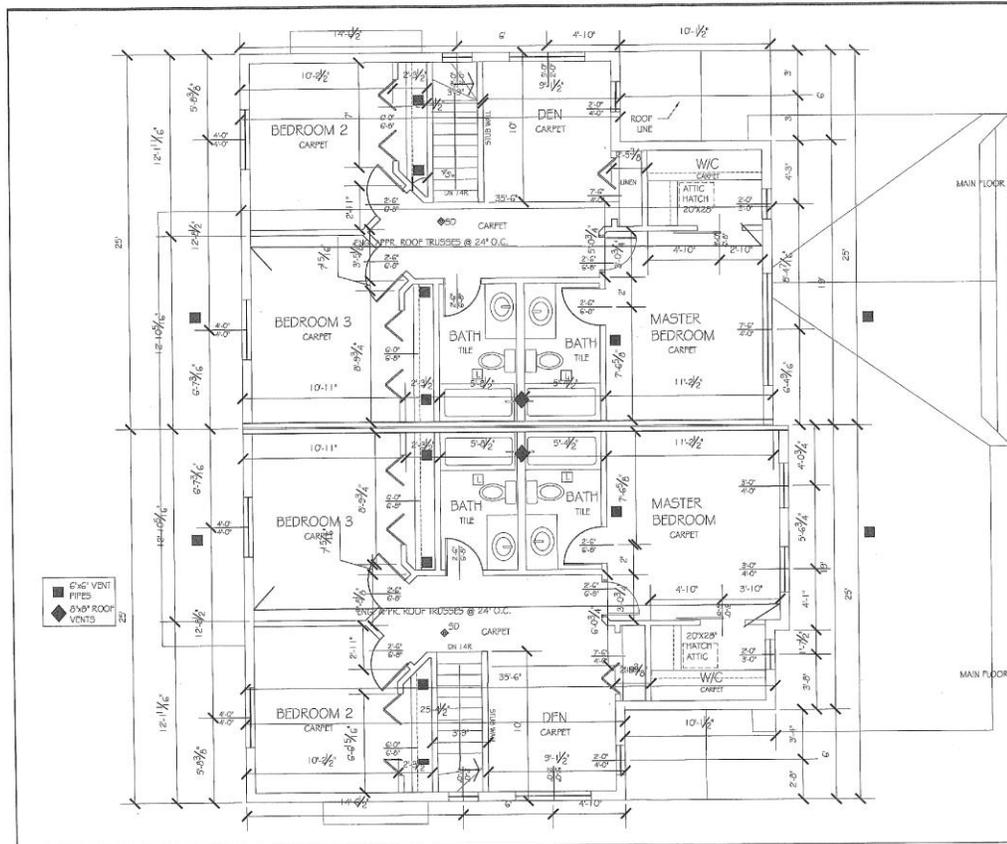
NO. 1002

**MAIN FLOOR PLAN**

NO. 1001	NO. 1002	NO. 1003
3/16" = 1'-0"	21 JUNE 2019	26 JULY 2019

NO. 1004

 **A-2**



MELANIE SMITH  
1001-4000

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PROPERTIES & DESIGNS  
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NO. 1001

**Kazia Homes Inc**  
Duplex  
33 HAROLD ST  
ALMONTE, ON K0A 1A0

FRAME WALLS @ 24" O.C.  
SECOND FLOOR A: 852 FT<sup>2</sup>  
FIRST FLOOR B: 865 FT<sup>2</sup>

NO. 1002

**SECOND FLOOR PLAN**

NO. 1001	NO. 1002	NO. 1003
3/16" = 1'-0"	21 JUNE 2019	26 JULY 2019

NO. 1004

 **A-3**



MELANIE SMITH  
1006-0004

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
1006-0004 (M) • 1006-0004 (F) • 1006-0004 (T) • 1006-0004 (C) • 1006-0004 (E)

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NO. 003

Kazia Homes Inc  
Duplex  
33 HAROLD ST  
ALMONTE, ON KOA 1A0

DESIGNED BY:  
SOUTH ELEVATION

SCALE:	DATE:	REVISION:
3/16" = 1'-0"	21 JUNE 2019	

NO. 004

A-4



MELANIE SMITH  
1006-0004

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
1006-0004 (M) • 1006-0004 (F) • 1006-0004 (T) • 1006-0004 (C) • 1006-0004 (E)

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NO. 003

Kazia Homes Inc  
Duplex  
33 HAROLD ST  
ALMONTE, ON KOA 1A0

DESIGNED BY:  
EAST ELEVATION

SCALE:	DATE:	REVISION:
3/16" = 1'-0"	21 JUNE 2019	3 JULY 2019

NO. 004

A-5



MELANIE SMITH  
804-4522

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
195 WOODRIDGE LANE, SUITE 200, ALBANY, OR 97106-4106

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PROJECT:  
Kazia Homes Inc  
Duplex  
33 HAROLD ST  
ALMONTE, ON KOA 1A0

DRAWING TITLE:  
NORTH ELEVATION

SCALE	DATE	VERSION
3/16" = 1'-0"	21 JUNE 2019	

ISSUED:  
A-6



MELANIE SMITH  
804-4522

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
195 WOODRIDGE LANE, SUITE 200, ALBANY, OR 97106-4106

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PROJECT:  
Kazia Homes Inc  
Duplex  
33 HAROLD ST  
ALMONTE, ON KOA 1A0

DRAWING TITLE:  
WEST ELEVATION

SCALE	DATE	VERSION
3/16" = 1'-0"	21 JUNE 2019	3 JULY 2019

ISSUED:  
A-7

MELANIE SMITH  
RCN 0024

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
THE OFFICE IS LOCATED AT 1425 W. 1000 S. SUITE 100 - KONA, HI 96740

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PROJECT  
Kazia Homes Inc  
Duplex  
33 HAROLD ST  
ALMONTE, ON KOA 1A0

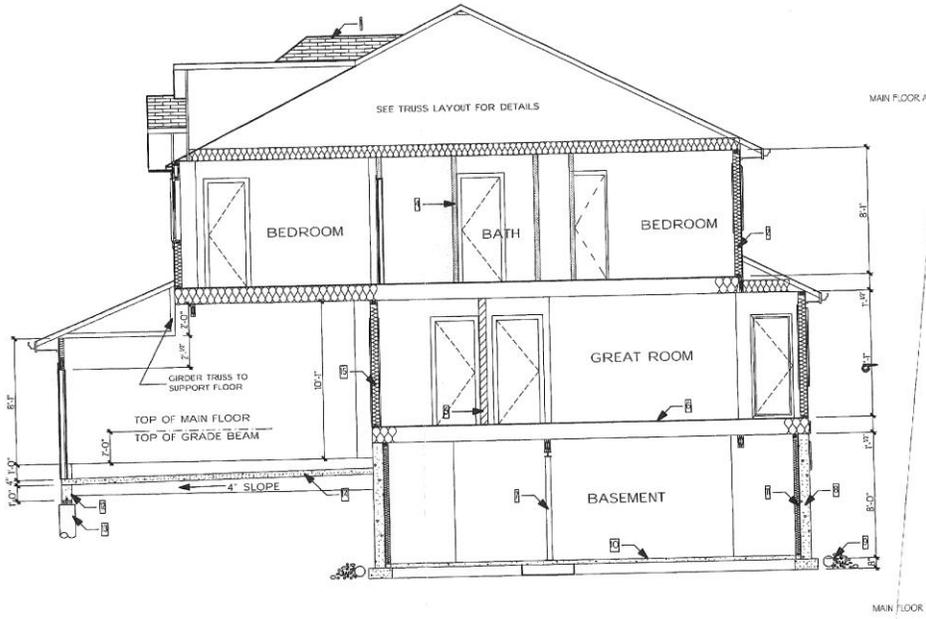
FRAME WALLS @ 24" O.C.  
SECOND FLOOR A: 652 FT<sup>2</sup>  
FIRST FLOOR B: 665 FT<sup>2</sup>

DATE: 21 JUNE 2015

SECTION

SCALE: 1/2"=1'-0"

DRAWING: A-8



MELANIE SMITH  
RCN 0024

**STRAWHAVEN**  
PROPERTIES & DESIGNS  
THE OFFICE IS LOCATED AT 1425 W. 1000 S. SUITE 100 - KONA, HI 96740

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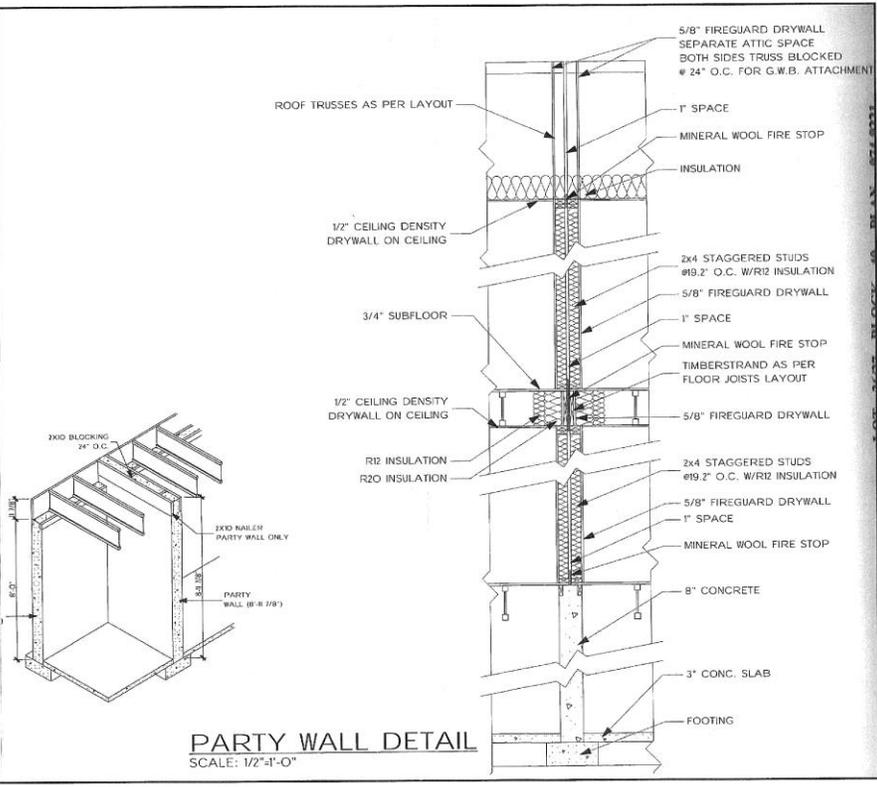
PROJECT  
Kazia Homes Inc  
Duplex  
33 HAROLD ST  
ALMONTE, ON KOA 1A0

DATE: 21 JUNE 2015

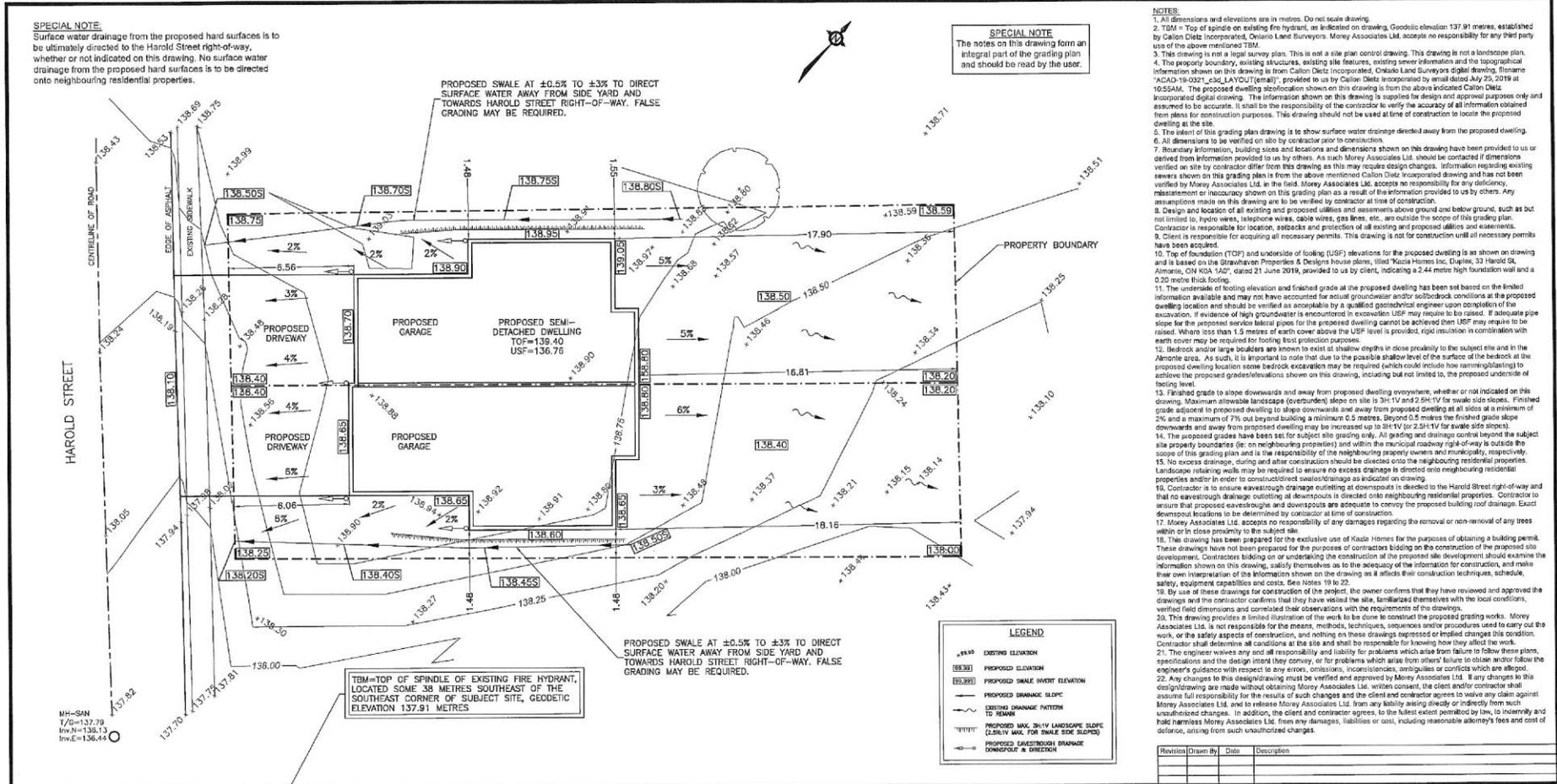
SECTION  
PARTY WALL DETAIL

SCALE: 1/2"=1'-0"

DRAWING: A-9



# Schedule B Grading Plan



DRAWING  
**GRADING PLAN**

LOCATION  
HAROLD STREET, ALMONTE  
LOT 11, JAMIESON SECTION, PLAN 8262  
MUNICIPALITY OF MISSISSIPPI MILLS, ONTARIO

PROJECT  
**PROPOSED SEMI-DETACHED DWELLING**

CLIENT  
KAZIA HOMES

DATE  
July 26, 2019

DRAWING No.  
1 of 1

DRAWN BY  
DCM

SCALE  
1:200

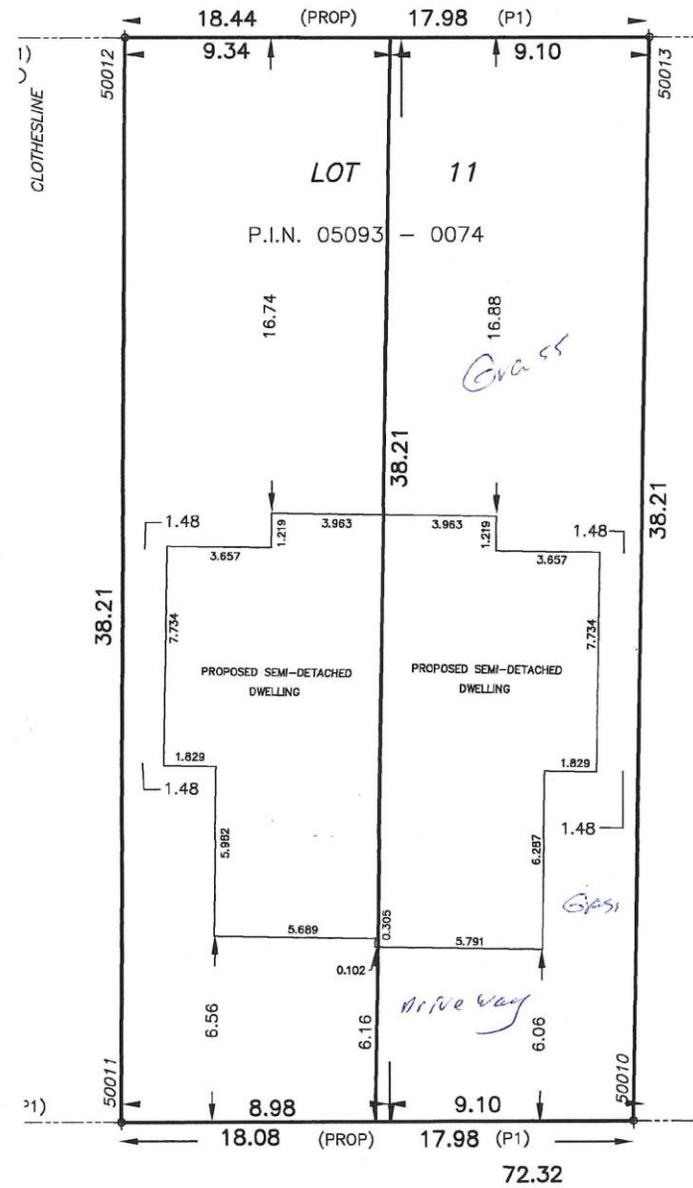
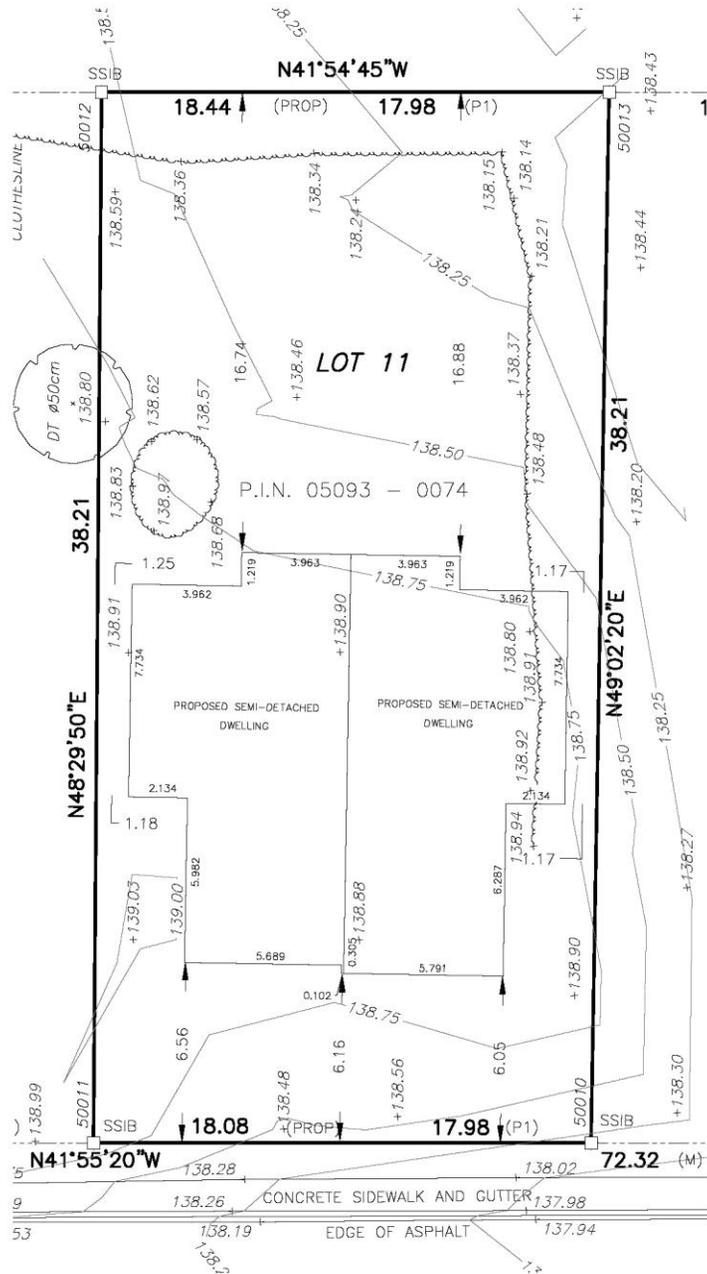
FILE NO.  
019537

**MOREY ASSOCIATES LTD.**  
CONSULTING ENGINEERS

2672 HWY 43, PO BOX 184  
KEMPTVILLE, ONTARIO  
K0G 1J0

T: 613.215.0055  
F: 613.258.0605  
info@moreyassociates.com

**SCHEDULE C Lot Sketch**



**THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

**PLANNING REPORT**

**MEETING DATE:** September 18, 2019  
**TO:** Committee of Adjustment  
**FROM:** Maggie Yet – Planner 1  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-22-19**  
**Plan 6262, Henderson Section, Block D, Lots 1 & 2**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 41 Martin Street North**  
**OWNER/APPLICANT:** Emmanuel Neilz & Brigitte Reid

---

**RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the lands legally described as Lot 1 & 2, Block D, Henderson Section, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 41 Martin Street North, to reduce the minimum rear yard setback from 7.5m (24.61ft) to 0.61m (2.0ft) and maximum permitted projection from 0.3m (0.98ft) to a lot line, to 0.2m (0.367ft) to a lot line within the Residential Second Density (R2) Zone to legally permit the replacement and expansion of a non-conforming attached garage, where the existing setback is 0.37m (1.21ft), subject to the following conditions:**

- 1. That the Minor Variances are approved based on the plans submitted;**
- 2. That the owners obtain a location survey identifying the location of the existing building in proximity to the property lines;**
- 3. That the owners obtain Site Plan approval for the proposed plans as submitted; and**
- 4. That the owners obtain all required demolition and building permits.**

**PURPOSE AND EFFECT**

The owners/applicants are requesting relief from the minimum rear yard setback from 7.5m (24.61ft) to 0.61m (2.0ft) and maximum permitted projection from 0.3m (0.98ft) to a lot line, to 0.2m (0.67ft) to a lot line within the Residential Second Density (R2) Zone to legally permit the **replacement and expansion of a non-conforming attached garage, where the existing setback is 0.37m (1.21ft)**. The Minor Variance request is outlined below:

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

Section	Zoning Provision	By-law Requirement	Requested
Table 13.2A	Minimum Rear Yard	7.5m (24.61ft)	0.61m (2.0ft)

Table 6.19	Permitted Projections into Required Yards – Eaves, Eavestroughs and Gutters	1m, but not closer than 0.3m (0.98ft) to a lot line	1m, but not closer than 0.2m (0.67ft) to a lot line
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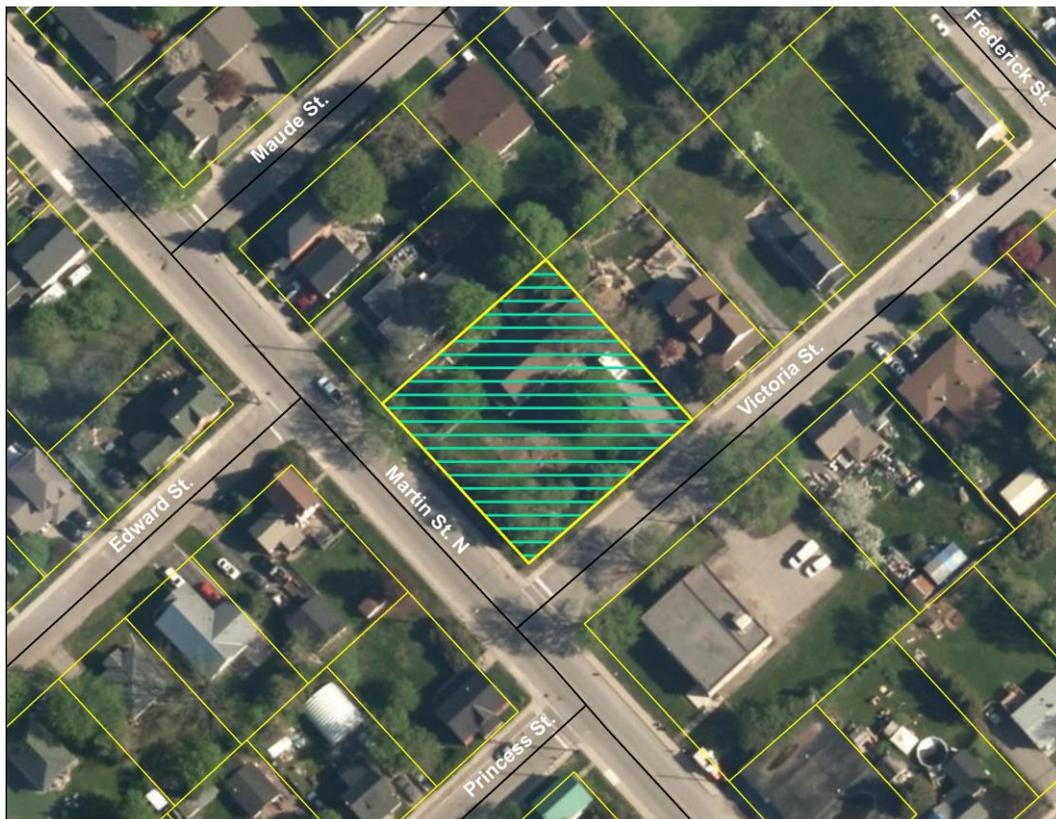
### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located at the intersection of Martin Street N and Victoria Street. The property is  $\pm 1,618.74\text{m}^2$  ( $14,424\text{ft}^2$ ) in size with a frontage of  $\pm 40.23\text{m}$  (132ft) along Martin Street N. The property is presently occupied by a single detached dwelling with a non-conforming attached garage.

The owners are proposing to replace the existing garage with a two-storey addition consisting of a new garage and one-storey addition on the first floor and additional living space on the second floor. The proposed plans would expand the existing footprint of the dwelling by  $\pm 41.18\text{m}^2$  ( $443.24\text{ft}^2$ ) to  $\pm 101.80\text{m}^2$  ( $1,095.75\text{ft}^2$ ). The proposed addition would maintain the existing building line of the attached garage in the rear yard and would not further encroach into the rear yard setback. The proposed site plans are contained within Schedule A of this report.

The property is generally surrounded by low density residential uses. The location of the subject property is depicted in the following aerial photo:

**Figure 1. – Aerial Photo of Property (2017)**



## **SERVICING & INFRASTRUCTURE**

The subject property is serviced by municipal water and sewer services and driveway access is located on Victoria Street, a municipally owned and maintained road. The municipal servicing and infrastructure demands would not change as a result of this application.

## **COMMENTS FROM CIRCULATION OF THE APPLICATION**

### **COMMENTS FROM INTERNAL CIRCULATION**

Comments received based on the circulation of this application have been summarized below:

**CAO:** No comments received.

**CBO:** Regarding this proposal. The building department does not object however, because of the very short distance from the property line we would like to make the applicants aware that the building department will require a location survey of the existing building to ascertain the exact location from the property line. This distance is critical to determine what compensating construction may be required to meet O.B.C. 9.10.15 'Spatial Separation in Exposing Building Face'. The submitted building design may have to be modified to meet these requirements.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** No concerns.

**Recreation Coordinator:** No concerns.

### **COMMENTS FROM EXTERNAL AGENCIES**

No comments have been received from external agencies as of the date this report was prepared.

### **COMMENTS FROM THE PUBLIC**

No comments have been received from the public as of the date this report was prepared.

## **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 (4) 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 "Residential" in the Municipality's Community Official Plan (COP). The Residential designation permits low and medium density residential uses and accessory uses. The Municipality's COP does not specifically address or contain policies related to minimum rear yard setbacks or permitted projections for properties located within the Residential designation. As such, the requested variances conform to the general intent and purpose of the COP.

## 2. Does the proposal maintain the intent of the Zoning By-law?

The subject property is zoned “Residential Second Density (R2)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R2 Zone permits detached dwellings, duplex dwellings, semi-detached dwellings and triplex dwellings, and accessory uses, buildings and structures. The owners are applying to reduce the minimum rear yard setback requirement and the maximum permitted projection of an eaves and eavestrough into a required yard to permit the construction of a new addition. The new addition would expand the footprint and massing of the existing non-conforming attached garage.

### Minimum Rear Yard Setback Requirement

The intent of the minimum rear yard setback requirement for principal dwellings is to ensure that there is sufficient separation between the building and the rear lot line in order to allow for maintenance around the building, mitigate any potential visual and privacy impacts between neighbouring properties, prevent runoff onto neighbouring properties and maintain appropriate amenity space for the owners.

*Maintenance, Visual and Privacy Impacts:* Given that the proposed addition would be no closer to the rear lot line than the existing building, Staff is of the opinion the potential maintenance and privacy impacts are negligible as the existing building line along the rear yard would be maintained. Additionally, the proposed plans indicate an absence of windows or other openings on the building wall closest to the rear lot line, mitigating any potential visual and privacy impacts of the proposed two-storey addition. At the time this report was submitted, no objections had been received from adjacent owners about potential impacts.

*Runoff:* The proposed addition would increase the existing building footprint of  $\pm 60.62\text{m}^2$  ( $652.51\text{ft}^2$ ) by  $\pm 41.18\text{m}^2$  ( $443.24\text{ft}^2$ ) to  $\pm 101.80\text{m}^2$  ( $1,095.75\text{ft}^2$ ). The increase of the building’s total footprint would increase hard surface area on the subject property and thus increase runoff. However, the proposed addition will have eavestroughing installed that will direct runoff away from the adjacent property. Therefore, Staff is of the opinion that the increase in hard surfaces from expanding the existing building footprint will not significantly impact the property or adjacent properties.

*Amenity Space:* The proposed addition would maintain the existing building line in the rear yard, while extending further into the side yard of the subject property. The front and side yards will continue to provide sufficient amenity space, serving a function similar to a rear yard. Additionally, the proposed addition includes a new porch on the first floor and a new balcony on the second floor, thus providing additional outdoor living space. As such, Staff is of the opinion that the proposal will not negatively impact amenity space.

However, as indicated in the comments by the Chief Building Official, the existing distance between the building and the rear lot line is short, indicated on the site plans as approximately 0.35m (1.16ft). As such, Staff recommends that the owners be required to provide a location survey identifying the exact distance between the existing building and the rear lot line as a condition of approval. Additionally, Staff recommends that the owners obtain Site Plan approval for the proposed addition prior to receiving building permits as a condition of approval.

Given the above, Staff is of the opinion that the Minor Variance in question maintains the intent of the Zoning By-law #11-83.

### **3. Is the proposal desirable for the appropriate development of the lands in question?**

The proposal is desirable for the appropriate development and use of the land as it facilitates the expansion and alteration of an existing addition of a permitted use within the R2 Zone. The proposed addition would maximize the owners' personal enjoyment and use of the land, and provide additional living space necessary for a young family.

The proposal is desirable within the context of the neighbourhood and the Municipality as a whole as there are no foreseeable negative impacts on maintenance, visual, privacy, runoff and amenity space as a result of the proposed variance. As noted, the proposed addition would maintain the existing building line in the rear yard and would not further encroach into the rear yard setback. Due to the site-specific nature of the property (i.e. the location of the existing and proposed structure, its size, and the negligible impacts), the proposal would not set a precedent for future applications where these features are not present. Therefore, Staff is of the opinion that the proposal is a desirable and appropriate development of the subject lands.

### **4. Is the proposal minor?**

The owners/applicants are requesting relief from two provisions of the Zoning By-law. The first requested relief to the minimum rear yard setback would reduce the requirement from 7.5m to 0.61m, resulting in a requested relief of 6.89m. The second requested relief to the maximum permitted projection into a required yard from 1m but not closer than 0.3m to a lot line, to 1m but not closer than 0.2m to a lot line, would result in a requested relief of an eaves and eavestroughing projecting 0.1m closer to a lot line.

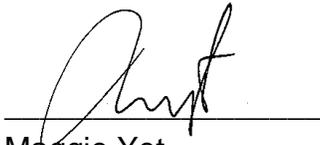
Staff do not consider the requests significant from a qualitative perspective, as the impacts of the proposed building are negligible given the existing building line in the rear yard. The proposal demonstrates no foreseeable impacts to maintenance, visual, privacy, runoff and amenity space to the property in question or to adjacent properties. Staff is therefore of the opinion that the requested variance is considered to be minor in nature.

### **CONCLUSION**

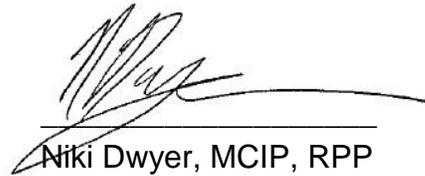
Overall, Staff supports the Minor Variance application. The variance would allow the owner to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believe that Minor Variance application A-22-19 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act*. Planning Staff therefore recommends 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 other than as follows:

- 1. That the Minor Variances are approved based on the plans submitted;**
- 2. That the owners obtain a location survey identifying the location of the existing building in proximity to the property lines;**
- 3. That the owners obtain Site Plan approval for the proposed plans as submitted; and**
- 4. That the owners obtain all required demolition and building permits.**

All of which is respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maggie Yet', written over a horizontal line.

Maggie Yet  
Planner 1

A handwritten signature in black ink, appearing to read 'Niki Dwyer', written over a horizontal line.

Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

**ATTACHMENTS:**

SCHEDULE A – Site Plans

SCHEDULE B – Site Photos

# Schedule A Site Plans

### FOOTINGS & FOUNDATION

- FOOTINGS TO CONFORM TO OBC 2012 SECTION 9.15.
- CONCRETE FOOTINGS TO REST ON BEDROCK, OR UNDISTURBED SOIL WITH MIN. BEARING CAPACITY OF 100KPA, MIN. 4"-6" BELOW FINISHED GRADE.
- MIN. STRENGTH FOR CONCRETE WALLS & FOOTINGS TO BE 20 MPa (AT 28 DAYS). MIN. STRENGTH FOR GARAGE SLAB TO BE 32 MPa (4650 PSI) AT 28 DAYS WITH 5% - 6% AIR ENTRAINMENT.
- SEAL EXTERIOR JOINTS BETWEEN FOUNDATION WALLS AND FOOTINGS WITH SEALING COMPOUND.
- APPLY BITUMINOUS DAMP-PROOFING ON EXT. FACE OF CONCRETE FOUNDATION WALL WITH 4" FREE DRAINING BACKFILL OR AS AN ALTERNATE THE FOLLOWING DRAINAGE LAYER SYSTEMS ARE ACCEPTABLE - SYSTEM PLATON, DISKADRAIN, MIRADRAIN, TERRADRAIN.
- PROVIDE AS INDICATED ON PLANS 4" Ø W/WEAVING TILE & FILTER CLOTH OW 6" MIN. STONE COVER.

### WOOD FRAMING

- ALL WOOD FRAMING LUMBAR TO OBC STANDARD SIZES OF JOISTS, LINTELS, ETC. INDICATED ON DRAWINGS, SPECIFIED AS PER SFF NO. 1 & 2 OR BETTER, UNLESS OTHERWISE NOTED.
- ALL BEAMS TO HAVE MINIMUM 3/2" END BEARING.
- PROVIDE SOLID BLOCKING BENEATH ALL WALLS PARALLEL TO FLOOR JOISTS, AS PER MANUFACTURERS' INSTRUCTIONS.
- ALL T&I FLOOR JOISTS TO BE INSTALLED AS PER MANUFACTURERS' INSTRUCTIONS.

### ROOF CONSTRUCTION

- START STRIP NO. 05, 4.2 1/2" x 3/4" M. ROLL ROOFING OR ROOFING SHINGLES OF SAME WEIGHT AND QUALITY AS USED ON ROOF LAID WITH TABS FACING UP ROOF SLOPE.
- COVERAGE: ASPHALT SHINGLES, SLOPES OF 1 IN 3 OR GREATER: SHALL BE NOT LESS THAN 2 THICKNESSES OF SHINGLES OVER THE ENTIRE ROOF, DISREGARDING CUTOUTS, SLOPES OF LESS THAN 1 IN 3: SHALL, EXCEPT FOR THE FIRST 2 COURSES, BE NOT LESS THAN 3 THICKNESSES OF SHINGLES OVER THE ENTIRE ROOF, DISREGARDING CUTOUTS.
- ROOF SHEATHING: 1/2" PLYWOOD WITH 1/4" CUPS
- ROOF EDGE SUPPORTS TO BE 2" X 2" BLOCKING MIN.

### STAIR DIMENSIONS (UNLESS OTHERWISE NOTED)

INTERIOR:

MAX RISE 7 3/4" (200MM) MIN RISE 5" (125MM)  
 MAX RUN 8 1/2" (210MM)  
 MIN TREAD DEPTH 9 1/2" (235MM)  
 NOSING 1" (25MM)

UNIFORM RISE & RUN ON ANY FLIGHT OF STAIRS  
 MIN HEADROOM 6'-2" (1920MM)  
 GUARD HEIGHT AT LANDING 35" (900MM)  
 GUARD SPACING MAX 4" (100MM) NON-CLIMBABLE  
 HANDRAILS REQUIRED ON ALL STAIRS OVER 3 RISERS INSTALLED BETWEEN BETWEEN 3'1" (900MM) & 3'6" (900MM)

EXTERIOR:

MAX RISE 7 3/4" (200MM)  
 MAX RUN 8 1/2" (210MM)  
 MIN TREAD DEPTH 9 1/2" (235MM)  
 NOSING 1" (25MM)

GUARD HEIGHT 2'-0" ABOVE GRADE = 35" (900MM)  
 3'-11" ABOVE GRADE = 42" (1070MM)  
 HANDRAIL REQUIRED ON ALL STAIRS OVER 3 RISERS INSTALLED BETWEEN BETWEEN 3'1" (900MM) & 3'6" (900MM)

### STEEL BEAMS

- ALL STEEL BEAMS SHALL AT MEET OR EXCEED THE REQUIREMENTS OF GRADE 350 W STEEL IN CSA G40.21, GENERAL REQUIREMENTS FOR ROLLED OR WELDED STRUCTURAL QUALITY STEEL.
- LATERAL SUPPORT FOR STEEL BEAMS TO BE PROVIDED BY 1"x2" STRAPPING IN CONTACT WITH THE TOP FLANGE AND NAILED ON BOTH SIDES OF THE BEAM TO THE BOTTOM OF THE SUPPORTED JOISTS.
- ALL STEEL BEAMS TO HAVE MIN. 3 1/2" LEVEL & EVEN END BEARING.

### FLASHING

- FLASHING IS REQUIRED UNDER ALL JOINTED SILLS AND OVERHEADS OF WINDOWS AND DOORS IN EXTERIOR WALLS IF DISTANCE BELOW DAVE IS MORE THAN 1/2" ROOF OVERHANG.
- FLASHING IS REQUIRED AT INTERSECTIONS OF ROOFS AND WALL VALLEYS.
- FLASHING BETWEEN ROOF SHINGLES AND WALL SIDING 20 GA GALVANIZED METAL 3" UP BEHIND SIDING AND EXTEND 3" HORIZONTALLY.

### SMOKE DETECTORS (CO, CO2)

- SMOKE DETECTORS SHALL BE INSTALLED IAW OBC 2012 SECTION 9.10.19.
- SMOKE DETECTORS SHALL BE INSTALLED ON OR NEAR THE CEILING.
- SUFFICIENT SMOKE DETECTORS SHALL BE INSTALLED SO THAT THERE IS AT LEAST ONE ON EACH STOREY, IN A LOCATION BETWEEN SLEEPING ROOMS AND THE REST OF THE STOREY.

### RADON VENT

FOUNDATION TO BE SEALED TO SLAB TO PREVENT INTRUSION OF RADON GAS IAW OBC 2012 PART 9.1.3.4.2 & 9B-9.

### GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCY, ERRORS OR OMISSIONS SHOULD BE REPORTED TO DESIGNER BEFORE PROCEEDING WITH WORK.
- CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES WITH WINDOW SUPPLIER PRIOR TO FRAMING OPENINGS.
- WINDOW & DOOR SIZES AND ROUGH OPENING DIMENSIONS SHALL BE TAKEN FROM MANUFACTURERS' SPECIFICATIONS.
- ALL WORK TO BE IN COMPLIANCE WITH ALL CODES, REGULATIONS AND BY-LAWS.
- DESIGN DRAWINGS TO BE READ IN CONJUNCTION WITH ANY ENGINEERING, MECHANICAL AND ELECTRICAL DRAWINGS & SPECIFICATIONS.
- ALL DIMENSIONS TO FACE OF STUD, UNLESS OTHERWISE NOTED.
- ALL EXTERIOR WINDOW & DOOR OPENINGS SHALL BE SEALED WITH LOW-GRAHATION SPRINT FOAM INSULATION AND MANUFACTURERS' INSTRUCTIONS TO MAINTAIN A CONTINUOUS AIR BARRIER SYSTEM.
- EXTERIOR SIDING TO BE INSTALLED AS PER MANUFACTURERS' INSTRUCTIONS.

### HEATING SYSTEM

- EXISTING NATURAL GAS, FORCED AIR FURNACE TO BE CONFIRMED SUITABLE OR RESIZED FOR NEW BUILDING AREA.
- EXISTING DUCTWORK TO BE DETERMINED TO PROVIDE ADEQUATE HEAT & RETURN AIR TO ADDITION & EXISTING 2ND FLOOR.

### GARAGE

- GYPSUM BOARD ON CEILING & INTERIOR WALLS TO BE GAS/FUME PROOF.
- DOOR TO HOUSE TO HAVE AUTOMATIC CLOSURE.

### POST & BEAM SCHEDULE

BEAM 1:	POST 1:
BEAM 2:	POST 2:
BEAM 3:	POST 3:
BEAM 4:	POST 4:

### WINDOW SCHEDULE

NO.	RD WIDTH	RD HEIGHT	SEL HEIGHT	ELEV.	QTY	COMMENTS	LINTEL
1	31	49	36	A	5	DBL HUNG	2 PLY 2" X 6"
2	16"	49		B	1	SKYLIGHT **PRO AS PER MANUFACTURER	
3	19	25	54	C	4	CASEMENT.	2 PLY 2" X 6"

WINDOWS TO BE ALUMINUM CLAD WOOD EXT; WOOD INTS; DOUBLE GLAZED LOW E; ARSON; FOR 2XG WALL; 1/2" DRYWALL RETURN; J CHANNEL. MAX U-VALUE: 1.5 WINDOWS, 2.8 SKYLIGHTS

### DOOR SCHEDULE

NO.	RD WIDTH	RD HEIGHT	QTY	COMMENTS	LINTEL
1	73	81	1	INSULATED ENTRY, RIGHT DOOR CW 1/2" SIDE LITE	2 PLY 2" X 6"
2	37	81	2	INSULATED ENTRY DOOR CW 1/2" LITE, LH, AUTO-CLOSER	2 PLY 2" X 6"
3	37	81	2	INTERIOR SLAB, LH	2 PLY 2" X 6"
4	37	81	2	INTERIOR SLAB, RH	2 PLY 2" X 6"
5	37	81	2	EXTERIOR INSULATED STEEL DOOR, RH, 3/4" LITE	2 PLY 2" X 6"
6	61	81	1	INSULATED, DBL FRENCH DOOR, DEAD HEAT & ENTRY HARDWARE	2 PLY 2" X 6"
7	61	81	1	DBL FRENCH DOOR	2 PLY 2" X 6"
8	109	85	1	INSULATED GARAGE DOOR	W/ 50 X 22
9	37	81	1	36" POCKET DOOR	2 PLY 2" X 6"
10	61	81	1	5 FT SLIDING CLOSET DOORS	2 PLY 2" X 6"
11					



**STRAVHAVEN**  
PROPERTIES & DESIGNS

150 Mery St. Colton, P.O. Box 172 255 - 613-271-3445 - BCN 4 1005

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- AF-1 AS FOUND SITE PLAN
- AF-2 AS FOUND FLOOR PLAN
- A-1 SITE / ROOF PLAN
- A-2 FOUNDATION PLAN
- A-3 1ST FLOOR PLAN
- A-4 2ND FLOOR PLAN
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- A-6 ELEVATION B
- A-7 SECTION AA
- A-7 SECTION BB
- AE-1 BASEMENT ELECTRICAL LAYOUT
- AE-2 1ST FLOOR ELECTRICAL LAYOUT
- AE-3 2ND FLOOR ELECTRICAL LAYOUT

NO.	DESC.	DATE
1	PERMIT SET	27 AUG 2019
REVISIONS		

### E. REID ADDITION

41 MARTIN ST N  
ALMONTE, ON

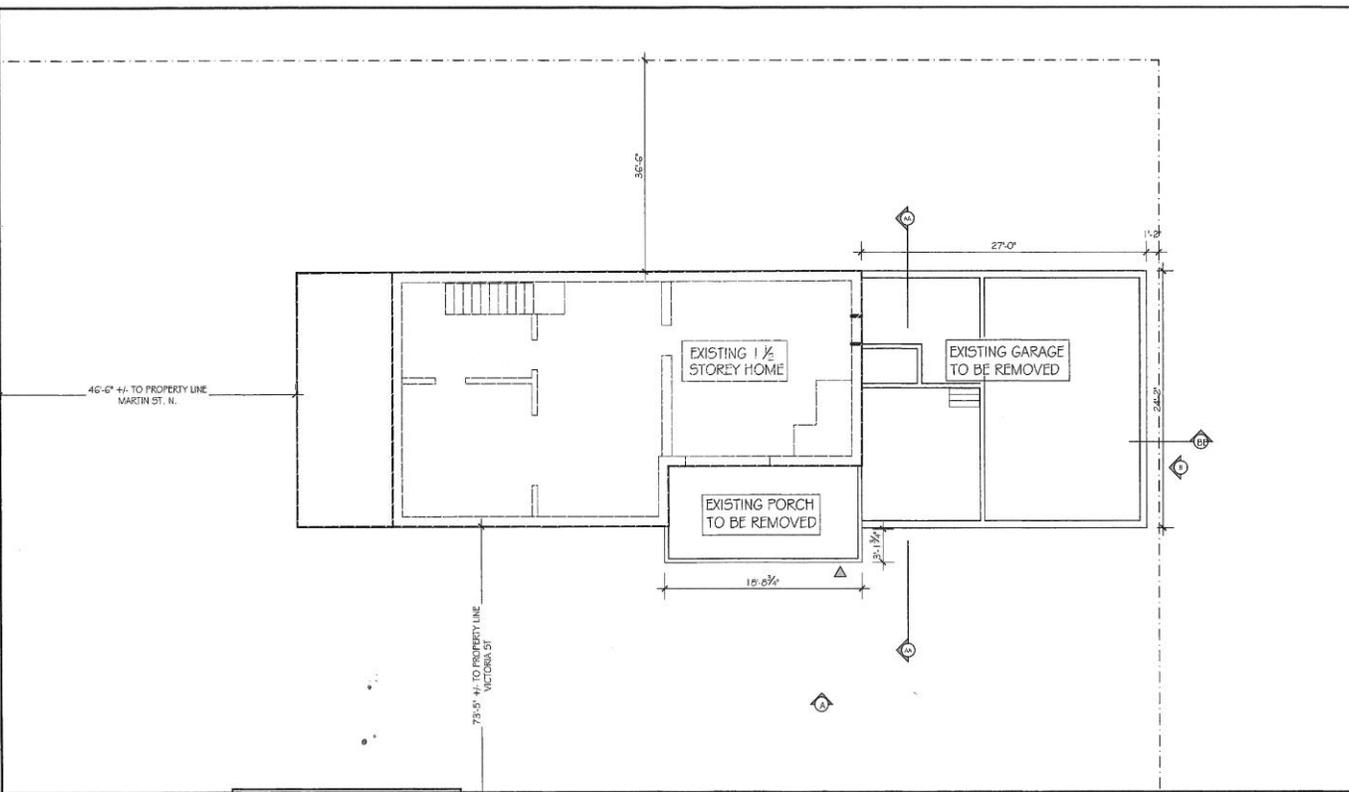
COVER SHEET

DRAWN BY: MELANIE SMITH  
BCIN 40034

SCALE: 1/8" = 1'-0"

DATE: 27 AUG 2019

# A-0



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MELANIE SMITH  
BCIN: 40034

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PROPERTIES & DESIGNS

150 Mery St. Colton, P.O. Box 172 255 - 613-271-3445 - BCN 4 1005

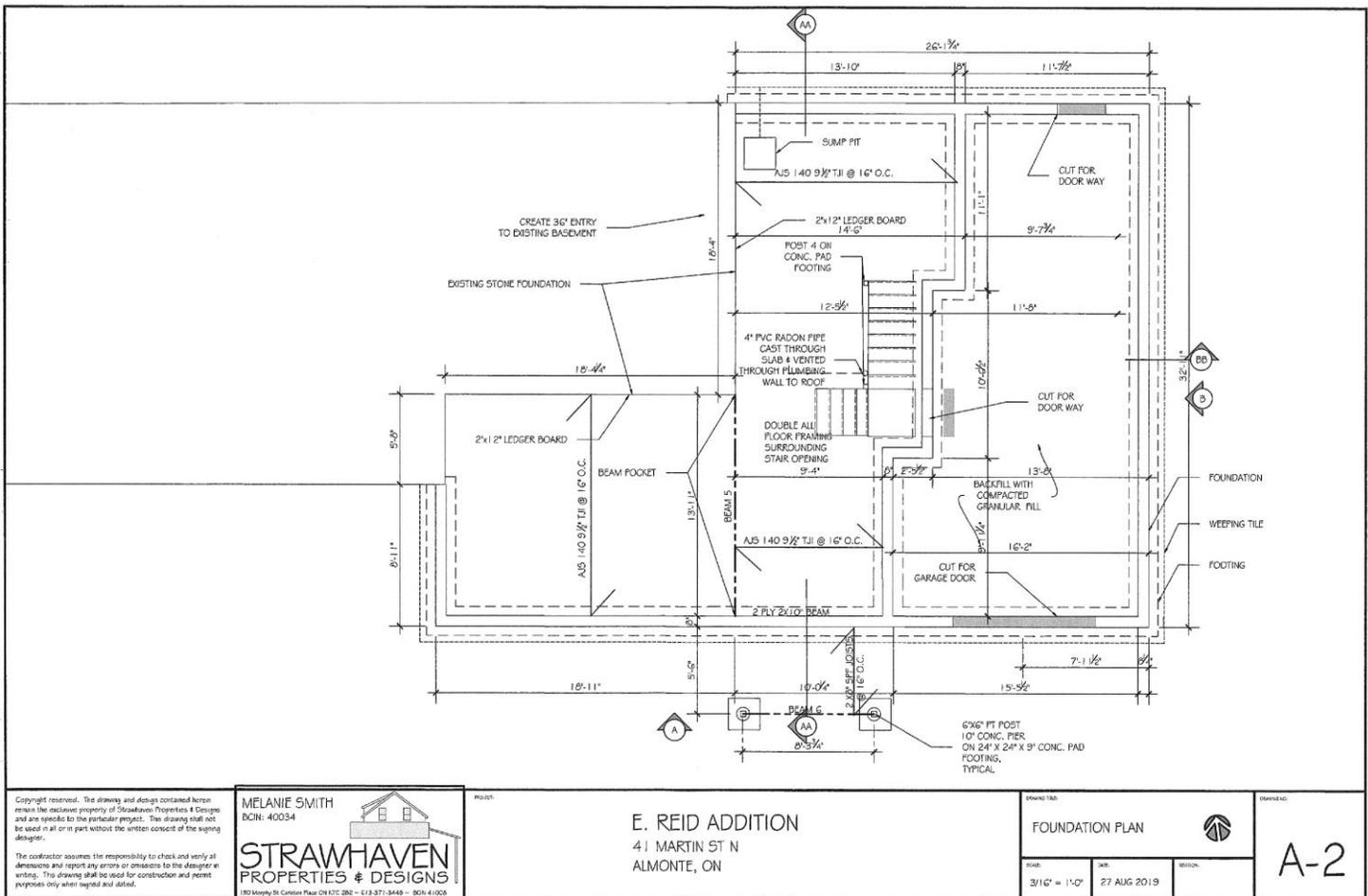
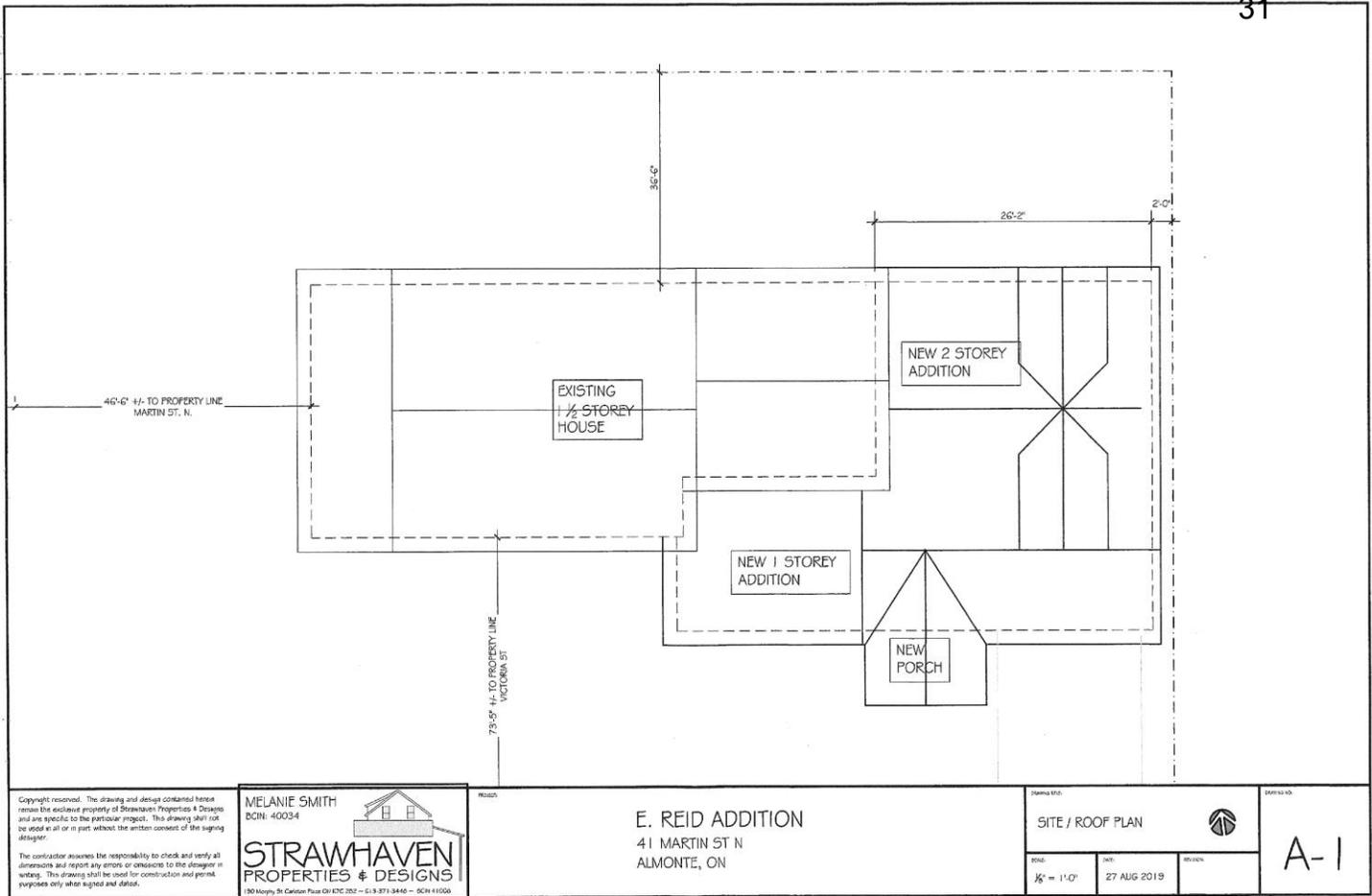
### E. REID ADDITION

41 MARTIN ST N  
ALMONTE, ON

PROJECT NO. AS FOUND FLOOR PLAN

DATE: 1/8" = 1'-0" 27 AUG 2019

ISSUE NO. AF-1





**ELEVATION A**

- 42" GLASS RAILING SYSTEM (TBC)
- ROOF DECK
- SHINGLES TO MATCH EXISTING
- PORCH DETAILS TO MATCH EXISTING
- SHINGLES TO MATCH EXISTING
- VINYL SIDING

**ELEVATION B**

- PORCH DETAILS TO MATCH EXISTING
- SHINGLES TO MATCH EXISTING
- VINYL SIDING

**E. REID ADDITION**  
41 MARTIN ST N  
ALMONTE, ON

DRAWING TITLE		ELEVATION A ELEVATION B	SHEET NO.
SCALE	DATE		
1/8" = 1'-0"	27 AUG 2019		A-5

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The contractor assumes the responsibility to check and verify all dimensions and report any errors or omissions to the designer in writing. This drawing shall be used for construction and permit purposes only when signed and dated.

**MELANIE SMITH**  
BCIN: 40034  
**STRAVHAVEN**  
PROPERTIES & DESIGNS  
190 Murphy St. Carleton Place ON N4C 5T8 - 416-371-8448 - BCIN 41004

**SECTION AA**

- T/O ADDITION PEAK TO MATCH EXISTING
- T/O GABLE PEAK 122'-3 3/4"
- T/O TOP PLATES 114'-4 3/4"
- T/O SUB-FLOOR 100'-1 1/2" - TBC - TO MATCH EXISTING
- T/O TOP PLATES 107'-3 3/4"
- 5/4" DECK BOARDS FLOOR JOISTS AS PER PLANS
- T/O SUB-FLOOR 100'-0"
- T/O FOUNDATION 99'-3/4"
- T/O GRADE 97'-4 3/4"
- 2x11" LEDGER BOARD
- 11" O" POURED CONCRETE PIER 24"x24"x9" CONCRETE PAD FOOTING
- 12" TBC
- 12" TBC 112"
- 3"
- 12"
- 3/4" OSB O-2 SUB-FLOOR, GULLED & SCREWED FLOOR JOISTS AS PER PLANS
- 1X4" STRAPPING 1/2" GYPSUM BOARD
- BEAM 2
- INTERIOR WALL - TYPICAL 1/2" GYPSUM BOARD 2x4" STUDS @ 16" O.C. 1/2" GYPSUM BOARD
- 3/4" OSB O-2 SUB-FLOOR, GULLED & SCREWED FLOOR JOISTS AS PER PLANS
- 5.5" R24 MIN. BATT INSULATION IN RM JOIST SPACE
- 2x6" P.T. SILL PLATE 6" FOAM SILL GASKET 1/2" ANCHOR BOLTS @ 7' O.C.
- FOUNDATION WALL - TYPICAL DRAINAGE LAYER (5" CLEAR STONE) 1/2" CEMENTIOUS PARING 2" X 10 MIN. RIGID INSULATION BOARD DAMPPROOFING TO GRADE 6" POURED CONCRETE FOUNDATION WALL 2-10 MM REBAR IN TOP OF FOUNDATION WALLS 1" 4" PERIMETER DRAINAGE TILE CW FILTER CLOTH CLEAR SAND BACKFILL TO CHOSEN GRADE 8"x8" POURED CONCRETE FOOTING CW SHEAR KEY
- 4" POURED CONCRETE SLAB CW 6" x 6" x 1/2" W/M 2" (R/O MIN.) RIGID FOAM INSULATION 6" COMPACTED GRANULAR 'A' UNDISTURBED SOIL

**ROOF**  
SLOPE TO MATCH EXISTING  
ASPHALT SHINGLES TO MATCH EXISTING  
ROOFING MEMBRANE  
1/2" PLYWOOD SHEATHING CW 1" CLIPS  
PRE-ENG TRUSSES DESIGNED BY OTHERS  
BLOWN-IN INSULATION R31 MIN.  
6 MIL POLY ACRYLAPOUR BARRIER  
GW TAPED EDGES  
1X4" STRAPPING  
1/2" GYPSUM BOARD

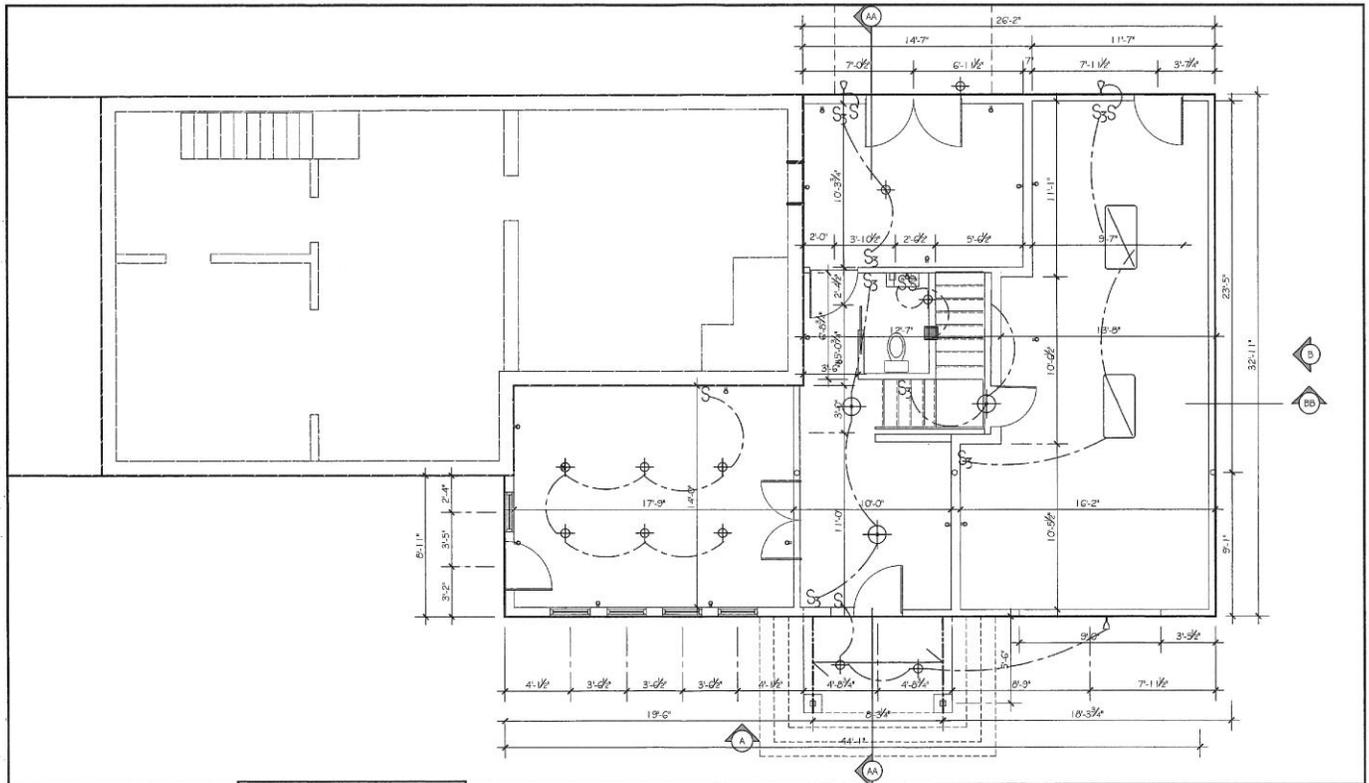
**EXTERIOR WALL - TYPICAL**  
1/2" GYPSUM  
2x4" STUDS @ 16" O.C.  
5.5" R24 BATT INSULATION  
3/4" OSB O-2 SHEATHING  
AIR BARRIER (TYPAR, TYVEK OR EQUIVALENT) CW TAPED JOINTS  
1X4" STRAPPING  
SIDING AS PER ELEVATIONS

**E. REID ADDITION**  
41 MARTIN ST N  
ALMONTE, ON

DRAWING TITLE		SECTION AA	SHEET NO.
SCALE	DATE		
3/16" = 1'-0"	27 AUG 2019		A-6

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**MELANIE SMITH**  
BCIN: 40034  
**STRAVHAVEN**  
PROPERTIES & DESIGNS  
190 Murphy St. Carleton Place ON N4C 5T8 - 416-371-8448 - BCIN 41004



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MELANIE SMITH  
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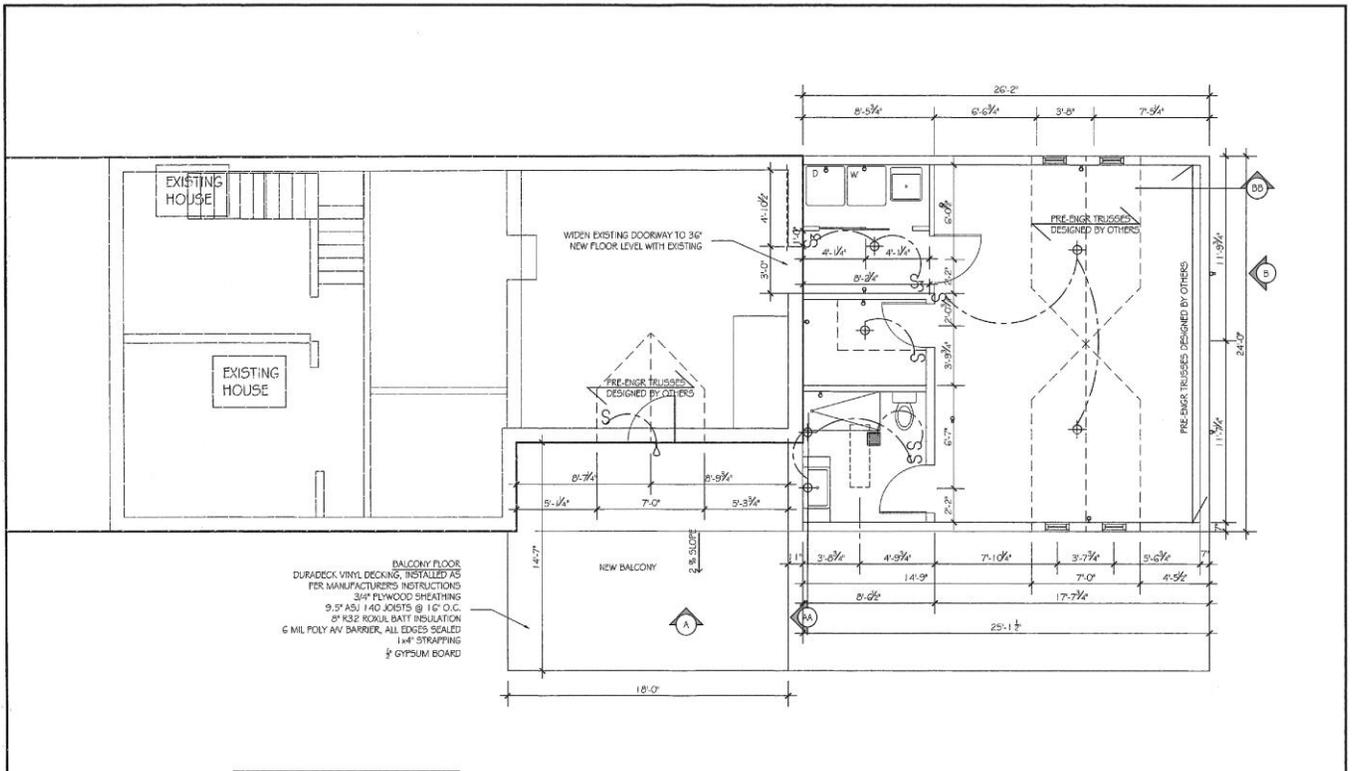
**STRAVHAVEN**  
PROPERTIES & DESIGNS

190 Maple St. Carleton Place ON L7C 2N2 - 416-371-3448 - BCIN 41004

E. REID ADDITION  
41 MARTIN ST N  
ALMONTE, ON

PROJECT NO:  
DRAWING NO:  
DATE: 27 AUG 2019

AE-2



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MELANIE SMITH  
BCIN: 40034

**STRAVHAVEN**  
PROPERTIES & DESIGNS

190 Maple St. Carleton Place ON L7C 2N2 - 416-371-3448 - BCIN 41004

E. REID ADDITION  
41 MARTIN ST N  
ALMONTE, ON

PROJECT NO:  
DRAWING NO:  
DATE: 27 AUG 2019

AE-3

**Schedule B** Site Photos

Front of the dwelling on Martin St



Exterior Side Yard from Victoria St



Existing attached garage



## THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

### PLANNING REPORT

**MEETING DATE:** Wednesday September 18, 2019  
**TO:** Committee of Adjustment  
**FROM:** Niki Dwyer, Director of Planning  
**SUBJECT:** **MINOR VARIANCE APPLICATION A-09-19 (D13-MCC-19)**  
**Plan 6262, Anderson Section, Part Lot 14**  
**Almonte Ward, Municipality of Mississippi Mills**  
**Municipally known as 172 Elgin Street**  
**OWNER/APPLICANT:** Jill McCubbin

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#### **RECOMMENDATION:**

**THAT the Municipality of Mississippi Mills Committee of Adjustment conditionally approve the Minor Variance for the land legally described as Plan 6262, Anderson Section, Part Lot 14, Almonte Ward, Municipality of Mississippi Mills, municipally known as 172 Elgin Street, to reduce the minimum dwelling unit area from 45m<sup>2</sup> (495ft<sup>2</sup>) to 31.9m<sup>2</sup> (344ft<sup>2</sup>) to permit the renovation and addition of an existing building to construct an accessory apartment dwelling unit, subject to the following conditions:**

- 1. That the Minor Variance is approved based on the plans submitted; and**
- 2. That the applicant receive Building Department approval for the works proposed.**

#### **PURPOSE AND EFFECT**

The applicant is requesting relief from the minimum dwelling unit area within the Residential Second Density (R2) Zone from 46m<sup>2</sup> (495ft<sup>2</sup>) to 31.9m<sup>2</sup> (344ft<sup>2</sup>) to legally permit the renovation and addition to a portion of a former single detached dwelling to construct an accessory apartment. The original building on the subject lands was constructed as a single detached dwelling around 1900, however the structure has since been converted to a duplex. The owner is seeking approval of the Committee to permit the conversion of a one-storey rear addition to the original building (believed to originally have been part of the original summer kitchen) into an accessory apartment.

The application was first submitted to Staff as a variance to reduce the minimum dwelling unit area to 19.6m<sup>2</sup>, however Staff did not believe that the application could be supported to meet the four tests of a Minor Variance. As a result, the owner has elected to expand the footprint of the existing space through an addition thereby expanding the living space up to 31.9m<sup>2</sup>. Staff evaluated the nature of the modification of the original application and did not believe that the nature or intent of the variance request had substantially and materially changed. The original circulation of the application did not result in any comments or questions from members of the public or agencies. As a result the application was not re-circulated. The Minor Variance request now seeks the following:

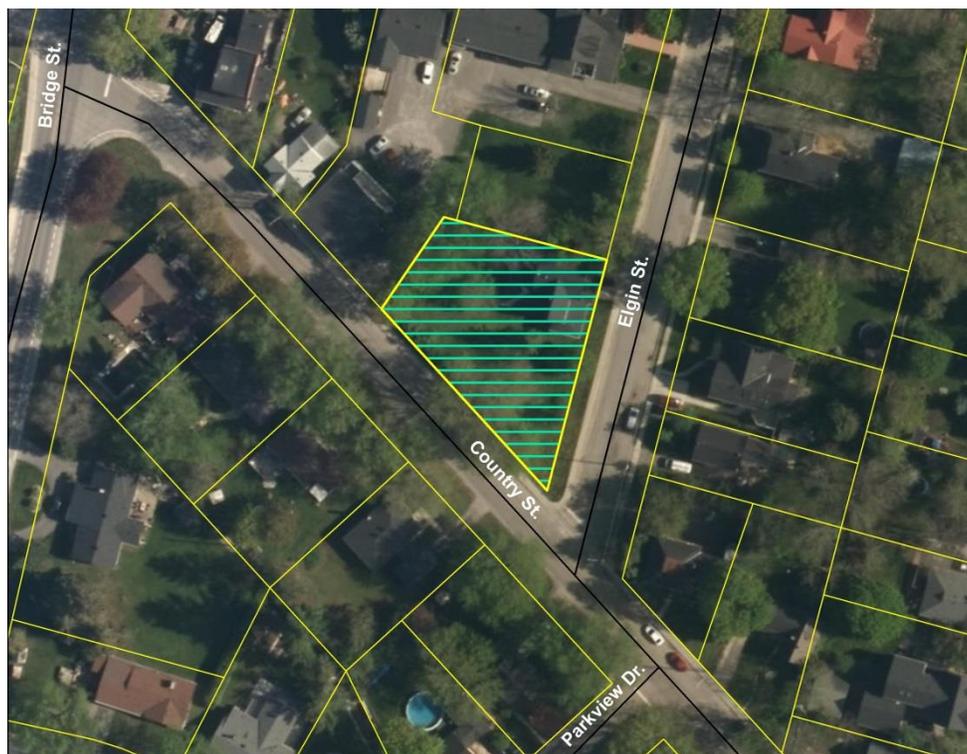
**Table 1 – Requested Relief from Zoning By-law #11-83**

Section	Zoning Provision	By-law Requirement	Requested
Table 14.2A	Minimum Dwelling Unit Area for a Dwelling Unit	46m <sup>2</sup> (495ft <sup>2</sup> )	31.9m <sup>2</sup> (344ft <sup>2</sup> )

### **DESCRIPTION OF SUBJECT LANDS**

The subject property is located at the intersection of Elgin Street and Country Street, within Almonte Ward. The entire property is 1,368m<sup>2</sup> (0.34ac) in size with a frontage of ±48.2m (158.1ft). The property is occupied by a converted duplex dwelling. The property is generally surrounded by low density residential uses. The location of the subject property is depicted in the following aerial photo:

**Figure 1. – Aerial Photo of Property (2017)**



### **SERVICING & INFRASTRUCTURE**

The subject property is serviced by municipal water and sewer services and has driveway access from Elgin Street, a municipally owned and maintained road. The owner has applied for and received an entrance permit to install a second driveway at the rear of the property with access from Country Street. The municipal servicing and infrastructure demands would not change as a result of the application.

## **COMMENTS FROM CIRCULATION OF THE APPLICATION**

### **COMMENTS FROM INTERNAL CIRCULATION**

Comments received based on the circulation of this application have been summarized below:

**CAO:** No comments received.

**CBO:** No concerns.

**Fire Chief:** No comments received.

**Director of Roads and Public Works:** The applicant will be fully responsible for the cost of depressing the curb and sidewalk along Country Street to accommodate the new driveway. All reinstatement work of the municipal ROW shall be to the satisfaction of the Municipality's Roads and Public Works Department.

**Recreation Coordinator:** No concerns.

### **COMMENTS FROM EXTERNAL AGENCIES**

No comments received.

### **COMMENTS FROM THE PUBLIC**

No comments have been received from the public as of the date 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 (4) 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 'Residential' in the Municipality's Community Official Plan (COP). The Residential designation permits low and medium density residential uses and accessory uses. The objective of the designation is to promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community (Policy 3.6.1). The Plan establishes that in order to meet this goal, the Municipality shall promote and support development which provides for affordable, rental and/or increase density of housing types (Policy 3.6.1.1).

The Plan proceeds to define affordable housing with 2003 market rates for Lanark County, which have not been updated or tracked since the plan was originally approved in 2006. As a result, these bench mark figures have become unreliable figures to utilize calculating affordability targets by 2019 standards. In addition to the benchmark targets, the Plan does provide general support for encouraging the "adequate supply of affordable housing" (Policy 3.6.3). It similarly notes that: "The [Municipality] shall ensure that the Zoning By-law does not require standards which preclude the development of affordable housing, especially as it relates to house and lot sizes" (Policy 3.6.3.3).

Policy 3.6.8 of the COP addresses Residential Conversions, described as the conversion of existing single detached dwellings into multiple unit dwellings. Residential conversions are permitted given the proposal meets the provisions of the Zoning By-law. The COP does not

specifically address or contain policies related to measurements or areas for dwelling units – policies for Residential Conversions outline only the need to specify values within the Zoning By-law.

*Section 3.6.8 Residential conversion proposals shall address the following development criteria:*

- (i) the dwelling is structurally sound and of sufficient size to allow the creation of one or more dwelling units in accordance with the minimum unit sizes set out in the Zoning By-law;*
- (ii) the lot is of sufficient size to allow the required off-street parking and allow for any proposed additions to the residential structure;*
- (iii) adequate amenity areas can be retained on the lot;*
- (iv) the exterior renovations have specific regard for the relationship of the building to adjacent structures;*
- (v) required fire escapes preferably located at the side or rear of the building;*
- (vi) adequate access and circulation for vehicular traffic, including emergency vehicles is provided; and,*
- (vii) suitable landscaping and lot grading and drainage are provided.*

In the proposal submitted by the applicant, the described unit is a former storage area off the rear of the original dwelling. The applicant has previously requested analysis by the Chief Building Official regarding the integrity of the structure and the requirements to make it habitable. This will require a third party engineer to assess and comment, but will be assessed at the building permit stage.

As far as capacity of the lot to accommodate functional needs of three units on the property, there is sufficient lot area to provide parking for each unit, as well as amenity space in the large exterior side yard and rear yard. Staff do not have any objections or concerns to the ability to meet subpolicies (ii); (iii); (vi); and (vii).

The proposed construction will result in a small addition to the rear of the addition structure where the unit is proposed to be located. The addition, which measures 1.52m by 6.55m, will be of a similar scale and building style as the original addition and, by nature of its location behind the main dwelling, will have limited visibility from either Country Street or Elgin Street, and thus will have negligible impact on the character of the neighbourhood.

Given the above analysis, Staff is of the opinion the requested variance conforms to the general intent and purpose of the COP.

## **2. Does the proposal maintain the intent of the Zoning By-law?**

The subject property is zoned “Residential Second Density (R2)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R2 Zone permits a mix of residential uses, including semi-detached, duplex and triplex dwellings, accessory apartments and specific provisions in relation to front, interior side, exterior side, and rear yard setbacks. The owner is applying to reduce the minimum dwelling unit area for a duplex to permit the renovation and addition of an existing portion of the building into a secondary dwelling unit in accordance with

Section 6.18. The proposed renovation would convert the existing duplex dwelling to a duplex with a secondary apartment .

### **Minimum Dwelling Unit Area**

The intent of the minimum dwelling unit area provision is primarily to establish a threshold for acceptable and adequate living area for residents which is safe, healthy and secure by community standards. The Zoning By-law considers living, dining, bedroom, kitchen and bathroom spaces as part of the dwelling unit. The requested relief from the minimum floor area from 46m<sup>2</sup> (495ft<sup>2</sup>) to 31.9m<sup>2</sup> (344ft<sup>2</sup>) constitutes a relief of 14.1m<sup>2</sup> (151.77ft<sup>2</sup>).

From a regulatory perspective, the proposed dwelling unit would meet and exceed the Ontario Building Code's (OBC) minimum dwelling unit area requirement for combined living, dining, bedroom and kitchen spaces as per Section 9.5.8.1:

#### *9.5.8.1. Combined Living, Dining, Bedroom and Kitchen Spaces*

*(1) Despite Subsections 9.5.4. to 9.5.7., where living, dining, bedroom and kitchen spaces are combined in a dwelling unit that contains sleeping accommodation for not more than two persons, the area of the combined spaces shall be not less than 13.5 m<sup>2</sup> (145.31 ft<sup>2</sup>).*

The OBC does not include bathrooms when considering combined spaces. Not including the bathroom, the proposed dwelling unit's combined living, dining, bedroom and kitchen space has a total area of 25m<sup>2</sup> (270ft<sup>2</sup>), which meets and exceeds the OBC's requirement by 11.5m<sup>2</sup> (123.8ft<sup>2</sup>).

The minimum dwelling unit area is a standard applied across all dwelling units in the Zone. A single detached dwelling or an apartment in a triplex alike are proposed to have equal dwelling unit areas.

At the same time, the Zoning Bylaw also prescribes provisions for Secondary Apartments in Section 8.16 which instructs that:

*(5) If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.*

However, the Secondary Apartment policies do not specify a minimum dwelling unit area contrary to the Minimum Dwelling Unit Areas prescribed for the primary uses. As "Accessory Apartments" are identified as a permitted use in the R2 zone, Staff have applied the minimum dwelling unit area prescribed in the R2 Zone provisions (46m<sup>2</sup>) when considering applications to permit their construction.

Staff find that the intent of the Zoning By-law is to ensure that the additional unit is indeed secondary in size, scale and presence to the primary dwellings on the site while maintaining a safe, livable space for occupants. As a result by nature, these units traditionally exhibit areas near to or under the minimum dwelling unit areas.

Given the above analysis, Planning Staff is of the opinion that the Minor Variance in question maintains the intent of the Zoning By-law #11-83.

### 3. Is the proposal desirable for the appropriate development of the lands in question?

The proposal will renovation and construct an addition at the rear of the existing duplex dwelling to construct an accessory apartment.

The approximate square footage of each unit is as follows:

- Main Unit:  $\pm 92.9\text{m}^2$  (1,000ft<sup>2</sup>)
- Second Unit:  $\pm 46.2\text{m}^2$  (500ft<sup>2</sup>)
- Proposed Unit:  $\pm 31.9\text{m}^2$  (344ft<sup>2</sup>) – Living space 312.31ft<sup>2</sup> / Bathroom 31.69ft<sup>2</sup>

In regards to the location, form and intensity of the proposed variance, the proposed dwelling unit would be located at the rear of the existing duplex dwelling, converted from an existing rear addition and a new addition proposed.

Within the context of the Municipality, the Municipality has a mandate to encourage an adequate supply of affordable housing. Smaller dwelling units may contribute to the reaching the Municipality's affordable housing mandate. However, providing affordable housing options should not conflict with standards for development or compromise residents' quality of life.

In reviewing the proposed application to deem appropriateness for the reduced area of the dwelling unit, Staff examined the efficiency components of the design to ensure that the unit can support reasonable functions of day to day life:

#### Adequate Storage:

In confined spaces, multi-purpose storage becomes invaluable to ensuring that the space is usable. In the modified design, the applicant has demonstrated that long-term storage, or storage for bulky items, is available in a generous loft space above the washroom/sleeping area. Storage of personal products has also been designed in the bathroom in a designated closet space and a built-in cupboard/room divider has been proposed between the entrance and the dining room. As a result, Staff believe that the proposal represents sufficient storage for the daily and long term needs of a resident.

#### Adequate Flow and Movement:

The configuration of the space and activities within has been depicted to show adequate space to allow for the free movement of a resident between zones within the space. The room divider provides functional separation between the entrance way and the living space and there appears to be sufficient area to permit multiple configurations of various types of furniture depending on the preference of the resident.

#### Adequate Lighting and Ventilation:

The applicant has indicated that the unit will feature high ceilings (11' to the rafters) as well as large window openings (60") on all of the exterior walls of the dwelling. The height and openness of the space are anticipated to present a space that while reduced in footprint will feel airy and spacious.

#### Common Spaces:

The unit will also have direct access to the private yard space around the dwelling unit, including a rear yard of 12m deep between the new additions wall and the property line. This

amenity space will allow residents to develop a complementary outdoor living space to the unit should they choose.

Staff are also conscience of the changes of Bill 108 and the proposed Provincial Policy Statement which support and encourage the recognition of Tiny Homes and Accessory Apartments specifically. Given that the intended direction of the Province is to encourage an open policy on permissions for intensified uses, Staff believe that it is appropriate to consider variances to the present municipal policies to recognize the evolving framework of affordable housing options.

Therefore, Staff is of the opinion that the proposal is desirable and appropriate development of the subject lands.

#### **4. Is the proposal minor?**

Staff believe that the revised proposal is minor from both a quantitative and qualitative perspective. The requested relief from the minimum floor area from 46m<sup>2</sup> (495ft<sup>2</sup>) to 31.9m<sup>2</sup> (344ft<sup>2</sup>) constitutes a relief of approximately 14.1m<sup>2</sup> (151.77ft<sup>2</sup>). The minimum required dwelling unit area is consistent within the Comprehensive Zoning By-law #11-83 for low-rise apartment dwellings, duplex, triplex dwellings, singles and accessory apartments alike.

From a qualitative standpoint, the proposal would have minimal visual and neighbourhood character impacts and quantitatively staff do not believe that the variance represents an unreasonable or inappropriate reduction in acceptable livable area.

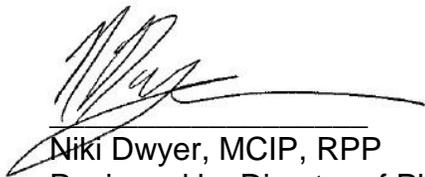
As a result, Staff believe that the requested variance is minor in nature.

#### **CONCLUSION**

Overall, Staff is supportive of the amended Minor Variance application. Staff believes that Minor Variance Application A-09-19 meets the four (4) tests for evaluating a Minor Variance as established under the *Planning Act* and no comments have been raised in relation to the circulation of the application that require discussion or modification. As a result Staff recommend the approval of the application conditional upon the following:

- 3. That the Minor Variance is approved based on the plans submitted; and**
- 4. That the applicant receive Building Department approval for the works proposed.**

All of which is respectfully submitted by,



Niki Dwyer, MCIP, RPP  
Reviewed by Director of Planning

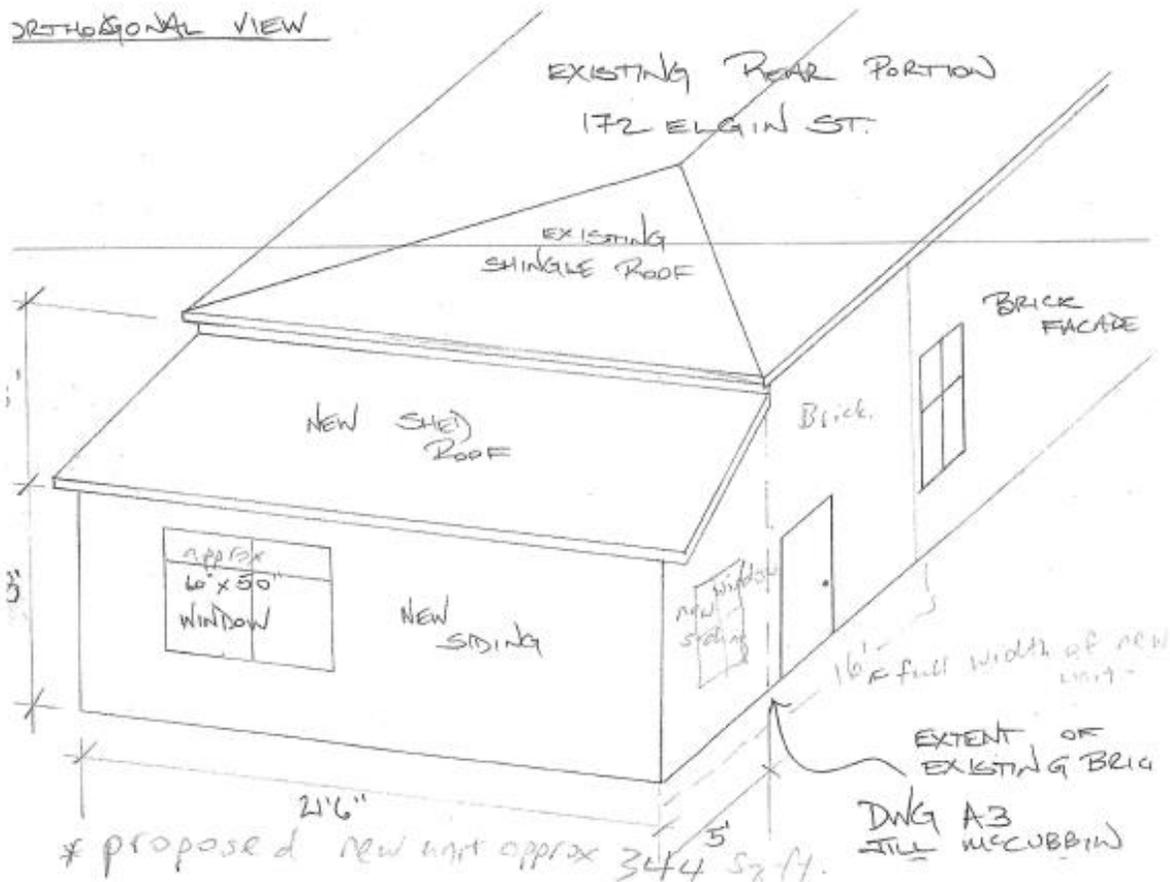
#### **ATTACHMENTS:**

- SCHEDULE A – Site Context
- SCHEDULE B – Addition Drawings
- SCHEDULE C – Site Photo

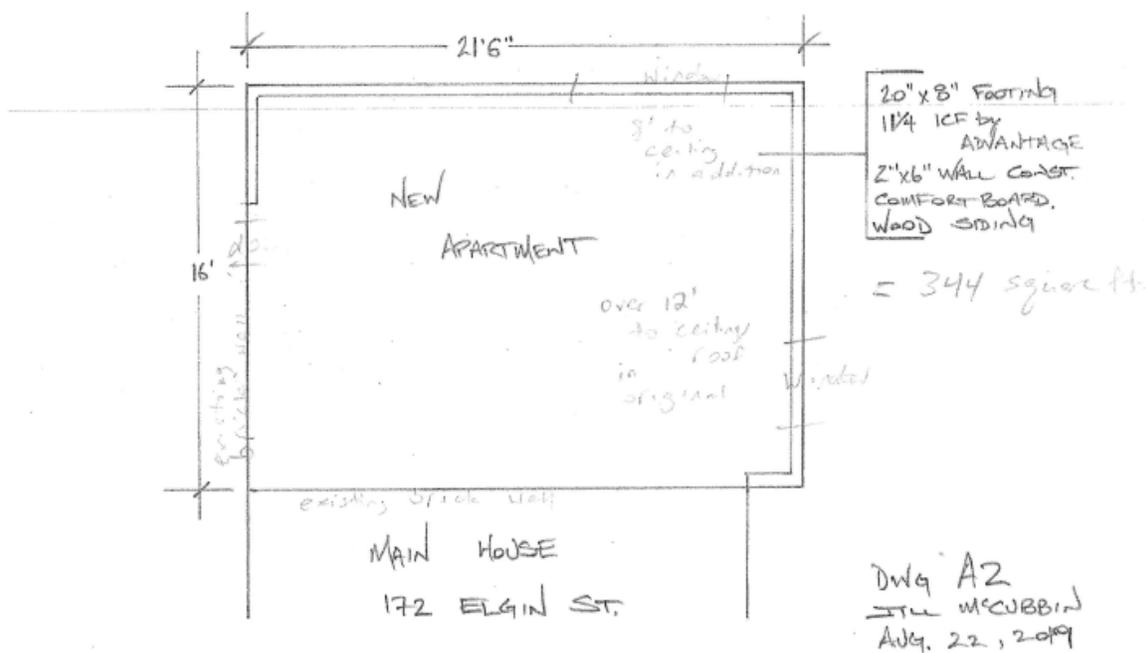
**Schedule A** Site Context

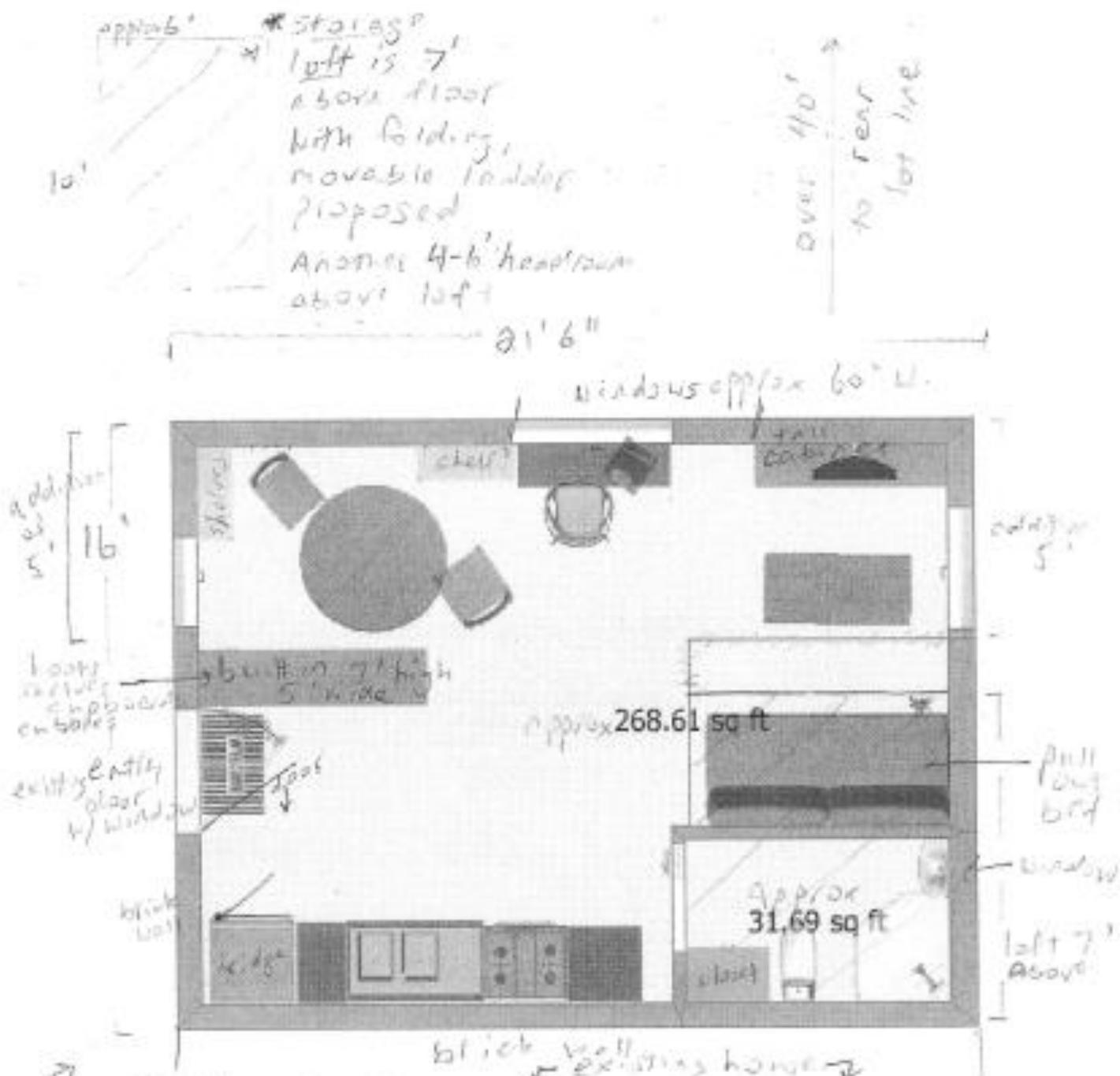


**Schedule B** Addition Drawings



PLAN VIEW





possible configuration inside. A pull out bed could alternatively be more like

344 sq foot unit  
 outside measurements are 16' x 21.5' approx

**Schedule C** Site Photo

