

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

Wednesday, June 19, 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 5**
Committee motion to approve the Committee of Adjustment Minutes from the meeting held on May 15th, 2019.

E. NEW BUSINESS

None.

F. HEARINGS

1. Application A-03-19 – Pages 6 to 17

Owner(s): Dieter King and Christine Hume
Legal Description: Plan 6262, Part Lot 87, Almonte Ward
Address: 69 Clyde Street
Zoning: Residential First Density (R1)

The applicants/owners are requesting relief from the minimum rear yard setback within the Residential Second Density (R2) Zone from 7.5m (25ft) to 3.35m (11ft) to legally permit the construction of an extension on the rear of an existing single detached dwelling. The proposed extension involves two separate uses, including an interior bathroom suite that connects to the existing kitchen, and a new porch that will adjoin the existing porch. The proposed structures will increase the footprint of the existing building and encroach into the minimum rear yard setback.

2. Application A-04-19 – Pages 18 to 30

Owner(s): Anthony O'Neill
Legal Description: Plan 508, Parts 4, 5, 6, Ramsay Ward
Address: 105 Alexander Street
Zoning: Residential First Density (R1) & Environmental Hazard (EH)

The applicant/owner is applying to replace and expand a non-conforming deck at the rear of an existing dwelling located within the Residential First Density (R1) zone and minimum 30m setback from the floodplain in the Environmental Hazard (EH)

Zone. The proposed deck would maintain the existing distance (11m) from the floodplain.

G. OTHER BUSINESS

None.

H. ANNOUNCEMENTS

None.

I. ADJOURNMENT

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

Wednesday, May 15, 2019, at 5:30 P.M.

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

PRESENT: Patricia McCann-MacMillan
Stacey Blair
Connie Beilby

REGRETS:

APPLICANTS/PUBLIC: A-01-19 Charles and Deborah Hand
A-02-19 Anita (Nikki) Diack
A-20-18: Julie Odin
Gary Lamers
Allison Ball
Peter Hicks
C. Cynthia Guerard
C. Bev Holmes

STAFF: Niki Dwyer, Director of Planning; Maggie Yet, Planner I

Director of Planning called the meeting to order at 5:38 p.m.

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Moved by Stacey Blair
Seconded by Connie Beilby

CARRIED

C. DISCLOSURE OF PECUNIARY INTEREST

None

D. APPROVAL OF MINUTES

1. April 17, 2019 – Public Meeting
Moved by Patricia McCann-MacMillan

Seconded by Connie Beilby

THAT the Committee of Adjustment approve the minutes of the April 17th, 2019 meeting as presented.

CARRIED

E. NEW BUSINESS

None

F. HEARINGS:

- 1. **Application** **A-01-19**
 Owner(s): Charles and Deborah Hand
 Legal Description: Concession 9, West Half Lot 14, Plan 27R
 8486, Part 1, Almonte Ward
 Address: 112 Vaughan Street
 Zoning: Residential First Density (R1)

The applicant is requesting relief from the minimum rear yard setback within the Residential First Density (R1) Zone from 7.5m (25ft) to 4.6m (15ft) to legally permit the construction of a deck and enclosed porch on the back of an existing single-detached dwelling. The proposed structures will exist and maintain the footprint of an existing deck in the same location.

The chair opened the floor to comments by the applicant. Mr Hand provided an overview of the proposal indicating that the existing deck would be demolished and replaced with the new structure.

The chair asked Ms. Yet, Planner I if she had any further comments to add. She clarified, since the date of publication of the report she had received a phone call from a neighbouring property owner expressing support for the application.

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 9, West Half Lot 14, being on Part 1 on Plan 27R-8486, Almonte Ward, Municipality of Mississippi Mills, municipally known as 112 Vaughan Street, to reduce the minimum required rear yard setback from 7.5m (25ft) to 4.6m (15ft) in order to permit the construction of a deck and enclosed porch, 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

floor area for guest rooms and the maximum distance from an arterial road. The relief of the provisions would permit the recognition of a 6-bedroom Country Inn in the historic Old Mill Manor in Appleton. All other provisions of the conditional Country Inn use are satisfied by the property and Country Inn is a permitted use in the Residential First Density (R1) zone.

The Chair requested comment from Ms Dwyer regarding the staff analysis respecting the “minor nature” of the application. Ms Dwyer clarified that in her professional opinion the issue of a proposal being “minor” should be assessed on qualitative impacts rather than strictly on quantitative variables. The impact of the proposed development can be found to be qualitatively less impactful over the 2.6km distance than it can over the immediate 77m of private road as evaluated in the original staff report, and thus staff can conclude that the application has minor impact of the neighbourhood and community.

Ms Alison Ball requested permission to present an addendum report to her original submission for Committee’s consideration. Ms Ball restated that she is of the opinion that the absence of frontage of the Country Inn on an arterial ground should be grounds for an Official Plan Amendment to permit the application. She attests that her evaluation of the proposed use was based on its capacity as a “complete” Country Inn with additional rooms and a dining room or restaurant component. She concluded by noting that she did not believe the proposal satisfied any of the four tests of a minor variance.

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 4, including Plan 26R-2678, Part 31, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 104 Old Mil Lane, to reduce the minimum required guest room floor area from 25m² to a minimum of 8.46m² and the increase the maximum setback from an arterial road from 50m to 2.6km to recognize a 6 bedroom Country Inn in Appleton, subject to the following conditions:

1. THAT the Minor Variance is approved based on the plans submitted; and
2. THAT the Owner enter into a Site Plan Control Agreement as required by the Municipality of Mississippi Mills’ By-law #15-60; and
3. THAT the Owner enter into an Operating agreement with the Municipality of Mississippi Mills include the following special conditions:
 - a. THAT designated smoking areas be identified;

- b. THAT no-trespass signs shall be erected at the limits of the property;
- c. THAT a maximum of eight vehicles shall be permitted on the site;
- d. THAT no parking shall occur on the private road or landscaped areas;
- e. THAT noise restrictions shall be in accordance with the Municipal Noise Bylaw;
- f. THAT the owner's shall work collaboratively with the owner and users of the private road to ensure the road is regularly maintained;
- g. THAT the owner's shall ensure appropriate permitting is obtained from the Health Unit for food preparation if the use includes the preparation and service of meals within the accommodation;
- h. THAT the Country Inn be rented as an entirety to a single tenant. If the Country Inn is rented as individual rooms, then the provisions of the Ontario Building Code shall be met prior to occupancy.

CARRIED

G. ANNOUNCEMENTS

- 1. Ms Dwyer invited the Committee to extend a warm welcome to Maggie Yet, Planner 1. Ms Yet will be assuming the responsibilities are Recording Secretary of the Committee of Adjustment.
- 2. Mrs McCann-MacMillan shared that her team at the National Capital Commission has been recognized for the Canadian Institute of Planners College of Fellows award for their redevelopment project of the John A McDonald Parkway in the City of Ottawa. The Committee commended Mrs McCann-MacMillan on this tremendous honour and wished her well at the Induction Ceremony in July.

H. ADJOURNMENT

Moved by Patricia McCann-MacMillan

Seconded by Stacey Blair

THAT the meeting be adjourned at 6:21 p.m. as there is no further business before the Committee.

CARRIED



Niki Dwyer, MCIP RPP, Recording Secretary

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
PLANNING REPORT

MEETING DATE: Wednesday June 19, 2019 @ 5:30pm
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-03-19 (D13-KIN-19)**
Plan 6262, Part Lot 87
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 69 Clyde Street
OWNER/APPLICANT: Dieter King and Christine Hume

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 6262, Part Lot 87, Almonte Ward, Municipality of Mississippi Mills, municipally known as 69 Clyde Street, to reduce the minimum required rear yard setback from 7.5m (25ft) to 3.35m (11ft) to permit the construction of an extension to the rear of an existing single-detached dwelling, subject to the following conditions:

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

PURPOSE AND EFFECT

The applicant is requesting relief from the minimum rear yard setback within the Residential Second Density (R2) Zone from 7.5m (25ft) to 3.35m (11ft) to legally permit the construction of an extension on the rear of an existing single detached dwelling. The proposed extension involves two separate uses, including an interior bathroom suite that connects to the existing kitchen, and a new covered porch that will adjoin the existing porch. The proposed structures will increase the footprint of the existing building by 22m² and encroach into the minimum rear yard setback. The Minor Variance request is outlined below:

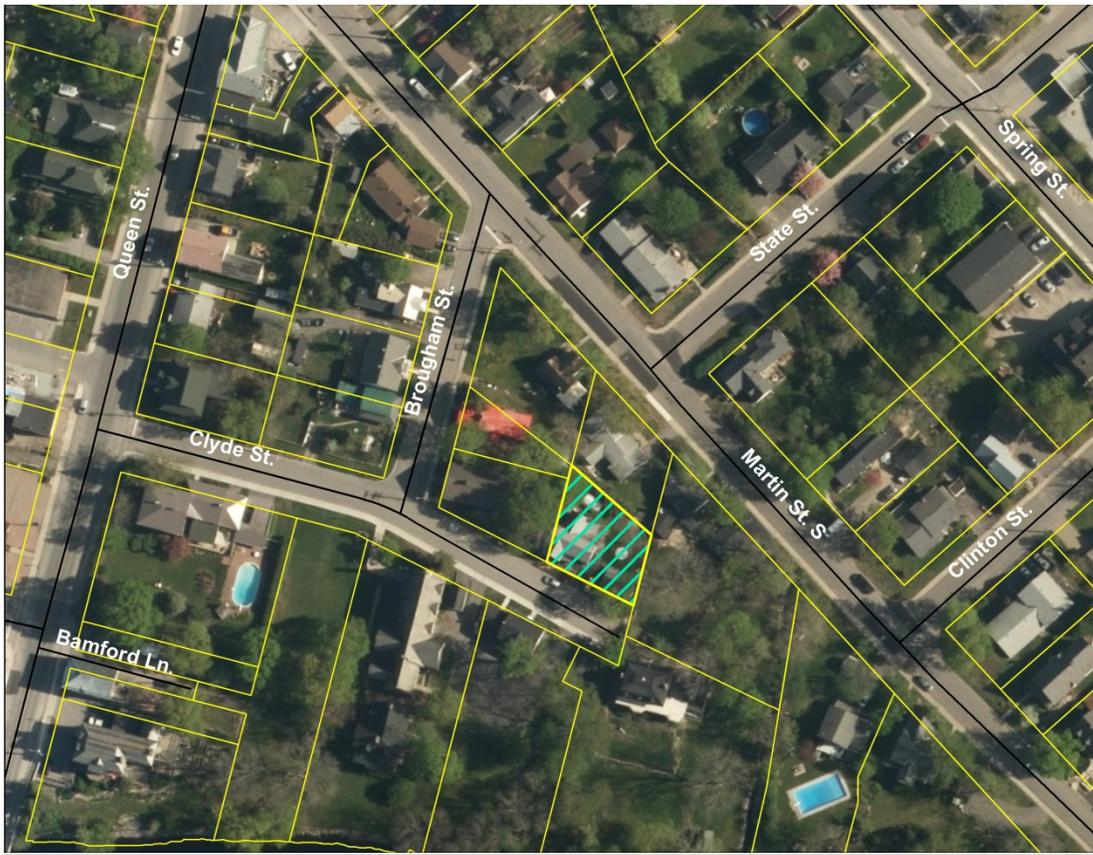
Table 1 – Requested Relief from Zoning By-law #11-83

| Section | Zoning Provision | By-law Requirement | Requested |
|----------------|-------------------------|---------------------------|------------------|
| Table 13.2A | Minimum Rear Yard | 7.5m (25ft) | 3.35m (11ft) |

DESCRIPTION OF SUBJECT LANDS

The subject property is located along Clyde Street, within Almonte Ward. The entire property is 520.2m² (0.13ac) in size with a frontage of 26.15m (85.8ft). The property is occupied by a single detached dwelling, with a detached garage, and currently features an attached covered porch at the rear of the dwelling. The proposed extension will add a bathroom suite in the dwelling and extend the footprint of the existing porch. The property is generally surrounded by low density residential properties. 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 Clyde Street, a municipally owned and maintained road. 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 comments received.

Fire Chief: No concerns.
Director of Roads and Public Works: No concerns.
Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

No comments received.

COMMENTS FROM THE PUBLIC

Planning Department has not received any comments from the public at the time this report was finalized and submitted for Committee of Adjustment review.

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 for properties located within the Residential designation. As such, 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 detached dwelling and specific provisions in relation to front, interior side, exterior side, and rear yard setbacks. The owners are applying to reduce the rear yard requirement to legally permit the construction of an extension to the dwelling in the rear yard that will add a bathroom suite and extend the footprint of an existing porch.

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, prevent runoff onto neighbouring properties, mitigate any potential visual and privacy impacts between neighbouring properties, and maintain appropriate amenity space for the owners.

Maintenance: An easement for a municipal sewer main is located on the east of the property in the side yard. The extension in the rear yard of the existing dwelling will not interfere with access or maintenance of the easement.

Runoff: The proposed extension would result in an increase in hard surface in the rear yard by 22.0m² (226.9ft²). Inferring from the site drawings, runoff from the extension will be directed primarily into the side yards of the 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.

Privacy Impacts: Although the minor variance would reduce the minimum setback from 7.5m (24.6ft) to 3.36m (11ft), the requested relief would lead to negligible privacy impacts on adjacent properties. The rear yard will maintain sufficient distance from the adjacent property on Martin Street, and existing landscaping and vegetative buffering on the subject property further enhances the privacy of the subject property and adjacent properties.

At the time this report was submitted, no objections had been received from adjacent owners about potential impacts.

Amenity Space: While the extension on the rear of the dwelling will encroach into the rear yard amenity space, the proposed expansion to the existing porch will act as additional outdoor living space. Additionally, there is sufficient amenity space available within the side yard of the property which serves a function similar to a rear yard. As such, Staff is of the opinion that the proposal will not negatively impact amenity space.

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 will allow the alteration of an existing single detached dwelling, thereby maximizing the owners' personal enjoyment and use of the land. The addition of a bathroom suite would increase livable space within the dwelling for the owners while the extension of the covered porch would provide additional outdoor amenity space year-round.

The proposal is desirable within the context of the neighbourhood and the Municipality as a whole as there are no foreseeable negative impacts as a result of the proposed variance. As noted, the setback will have no additional impacts on maintenance, runoff, and privacy. Due to the site-specific nature of 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 proposed variance to the minimum rear yard setback for single detached dwellings would reduce the requirement from 7.5m (25ft) to 3.35m (11ft), resulting in a requested relief of 4.15m (13.6ft). Staff do not consider the request significant from a qualitative standpoint. The proposal demonstrates no foreseeable maintenance, runoff, and privacy impacts to the property in question or those neighbouring. 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 variances would allow the owners to maximize the use and enjoyment of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-03-19 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:

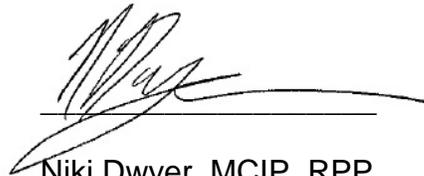
- 1. That the Minor Variances are approved based on the plans submitted; and**
- 2. That the owners obtain all required building permits.**

All of which is respectfully submitted by,

Reviewed by,



Maggie Yet
Planner 1



Niki Dwyer, MCIP, RPP
Reviewed by Director of Planning

ATTACHMENTS:

- SCHEDULE A – Site Plan
- SCHEDULE B – Site Photos

Schedule A Site Plan

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-EXPANSION SPRAY FOAM INSULATION AND MANUFACTURERS INSTRUCTIONS TO MAINTAIN A CONTINUOUS AIR BARRIER SYSTEM.
- EXTERIOR SIDING TO BE INSTALLED AS PER MANUFACTURERS INSTRUCTIONS.

FOOTINGS & FOUNDATION

- FOOTINGS TO CONFORM TO OBC 2012 SECTION 9.1.5. AND CAN-CSA-S406-92 CONSTRUCTION OF PRESERVED WOOD FOUNDATIONS.
- FOOTINGS TO REST ON MIN. 5" GRANULAR A ON BEDROCK, OR UNDISTURBED SOIL, WITH MIN. BEARING CAPACITY OF 100KPa, MIN. 4'-0" BELOW FINISHED GRADE.
- ALL WOOD FRAMING LUMBAR FOR PWF FOUNDATION TO MEET CAN-CSA-S406-92. ALL PLYWOOD SHALL BE MARKED "HDM FIR" PLYWOOD, AND SHALL BE MANUFACTURED IN ACCORDANCE WITH CSA STANDARD O121; OR CSA STANDARD D151.
- FOUNDATION FRAMING LUMBAR SHALL NOT BE NOTCHED, BORED, DRILLED OR CUT TO ALLOW FOR ELECTRICAL OR PLUMBING.
- ALL FOUNDATION FRAMING LUMBAR CUT TO SIZE SHALL HAVE CUT EDGES TREATED WITH TWO APPLICATIONS OF COPPER NAPHTHENATE PRESERVATIVE. THIS APPLICATION SHALL BE BY BRUSHING, SPRAYING, OR DIPPING.

WOOD FRAMING

- ALL WOOD FRAMING LUMBAR TO OBC STANDARD SIZES OF JOISTS, LINTELS, ETC. INDICATED ON DRAWINGS, SPECIFIED AS PER SPP 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 1st FLOOR JOISTS TO BE INSTALLED AS PER MANUFACTURERS INSTRUCTIONS.

ROOF CONSTRUCTION

- START STRIP NO. 05, 4.2 Kg/5q. 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 SHINGLE OVER THE ENTIRE ROOF, DISREGARDING CUTOUPS. SLOPES OF LESS THAN 1 IN 3: SHALL EXCEPT FOR THE FIRST 2 COURSES, BE NOT LESS THAN 3 THICKNESSES OF SHINGLE OVER THE ENTIRE ROOF, DISREGARDING CUTOUPS.
- ROOF SHEATHING 1/2" PLYWOOD WITH 1" CLIPS
- ROOF EDGE SUPPORTS TO BE 2" X 2" BLOCKING MIN.

FLASHING

- FLASHING IS REQUIRED UNDER ALL JOINTED SILLS AND OVERHEADS OF WINDOWS AND DOORS IN EXTERIOR WALLS IF DISTANCE BELOW EAVE 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 IN ACCORDANCE WITH 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.

HEATING SYSTEM

- IN-FLOOR ELECTRIC HEATING SYSTEM TO BE INSTALLED.
- CRAWLSPACE TO HAVE MECH. HEATING/VENTILATION FROM EXISTING FURNACE.

PLUMBING SYSTEM

- SHOWER TO HAVE DRAIN WATER HEAT RECOVERY UNIT.



STRAVHAVEN

PROPERTIES & DESIGNS

190 Mary St. Colton Place ON L7C 2B2 - 416-571-3446 - ROV 41008

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- A-0 COVER SHEET
- A-1 SITE / ROOF PLAN
- A-2 FOUNDATION PLAN
- A-3 1ST FLOOR PLAN
- A-4 SECTION
- AE-1 1ST FLOOR ELECTRICAL LAYOUT

| NO. | DESC. | DATE |
|-----------|------------|--------------|
| 1 | PERMIT SET | 6 MARCH 2015 |
| REVISIONS | | |

D. KING ADDITION

69 CLYDE ST
ALMONTE, ON KOA 1A0

COVER SHEET

DRAWN BY: MELANIE SMITH

| | |
|-------------|-----|
| SCALE: | A-0 |
| 11 MAY 2019 | |

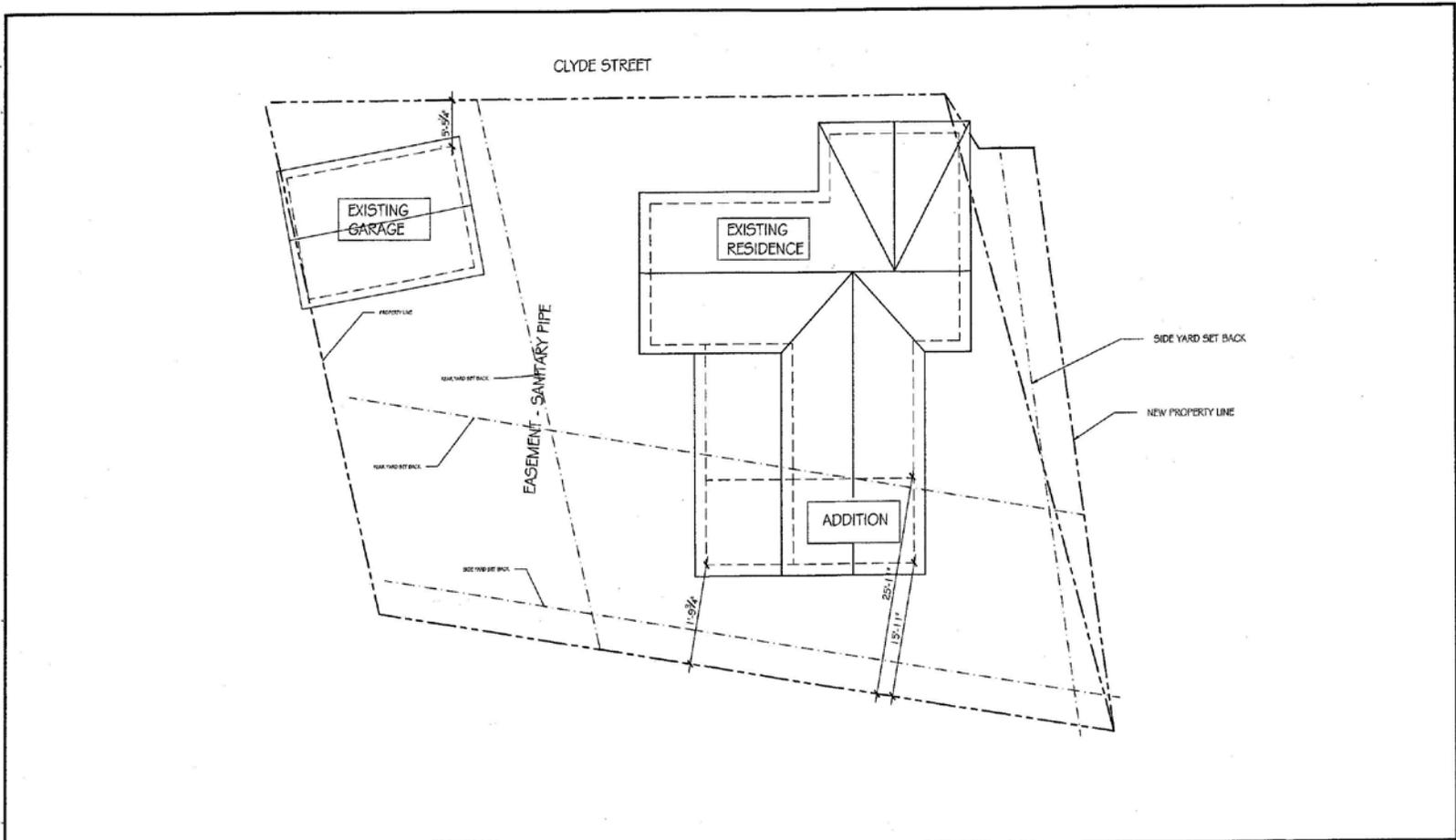
WINDOW SCHEDULE

| NO. | RO WIDTH | RO HEIGHT | SILL HEIGHT | ELEV. | QTY | COMMENTS | LINTEL |
|-----|----------|-----------|-------------|-------|-----|------------------------------------|---------------|
| 1 | 31 | 63 | 24 | A | 1 | DBL HUNG | 2 PLY 2" X 6" |
| 2 | 16*** | 49 | | B | 2 | SUNTUBE. ***RO AS PER MANUFACTURER | |
| 3 | 30 | 63 | 42 | A | 1 | EXISTING, RELOCATED RO TO FIT | 2 PLY 2" X 6" |
| | | | | | 2 | | |

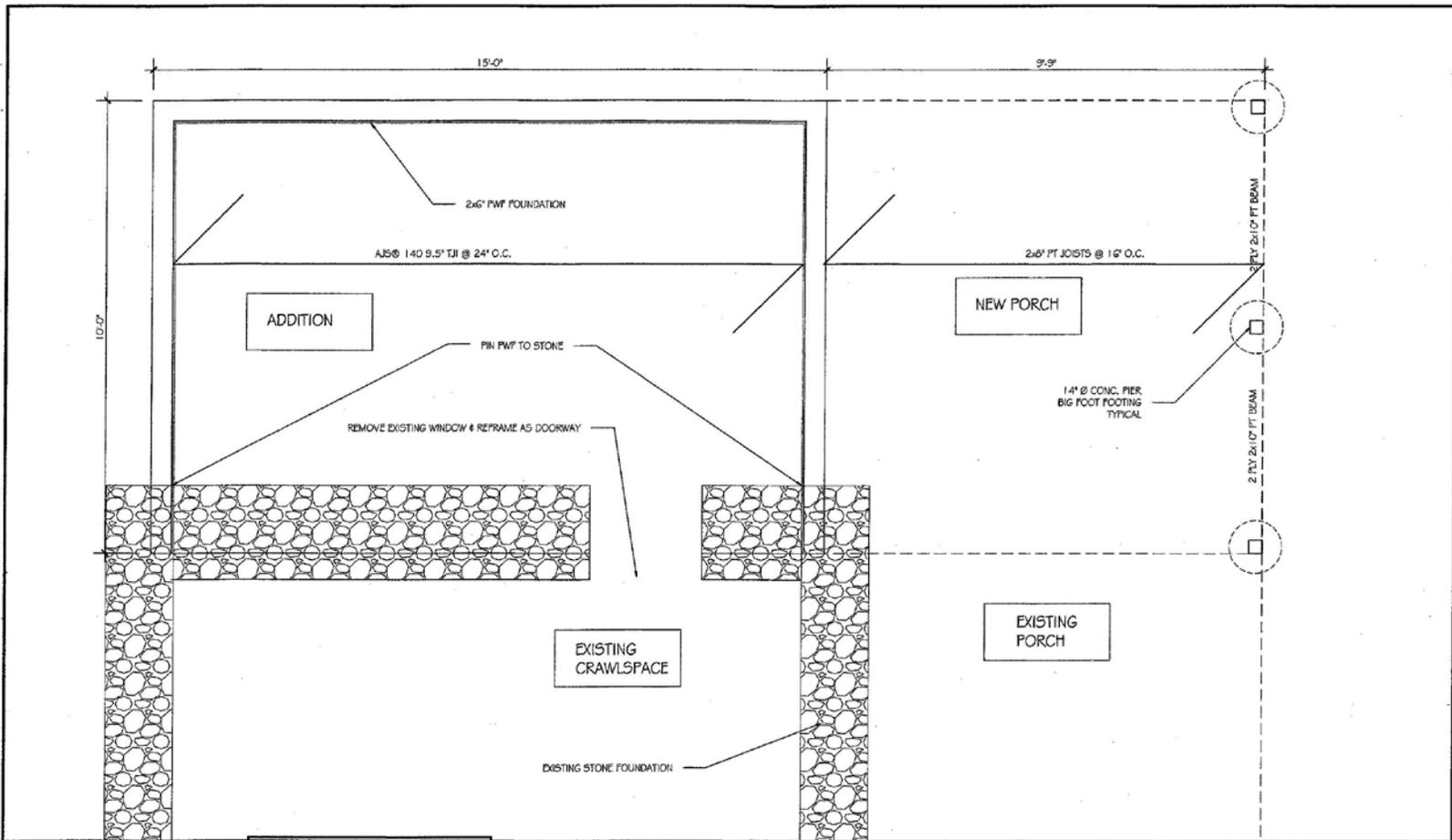
WINDOWS TO MATCH EXISTING DOUBLE GLAZED LOW E; ARGON; FOR 2X6 WALL; 1/2" DRYWALL RETURN; J CHANNEL. MAX U-VALUE: 1.0 WINDOWS, 2.0 SKYLIGHTS

DOOR SCHEDULE

| NO. | RO WIDTH | RO HEIGHT | QTY | COMMENTS | LINTEL |
|-----|----------|-----------|-----|------------------------------|---------------|
| 1 | 37 | 81 | 1 | INSULATED ENTRY, RIGHT DOOR. | 2 PLY 2" X 6" |
| 2 | 37 | 81 | 1 | 36" POCKET DOOR | 2 PLY 2" X 6" |



| | | | | |
|--|---|---|---|-----------------------------------|
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|--|---|---|---|-----------------------------------|



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MELANIE SMITH

STRAWHAVEN
PROPERTIES & DESIGNS

190 Mooney St Carleton Place ON K7C 2R2 - 613-371-0445 - NCR-41035

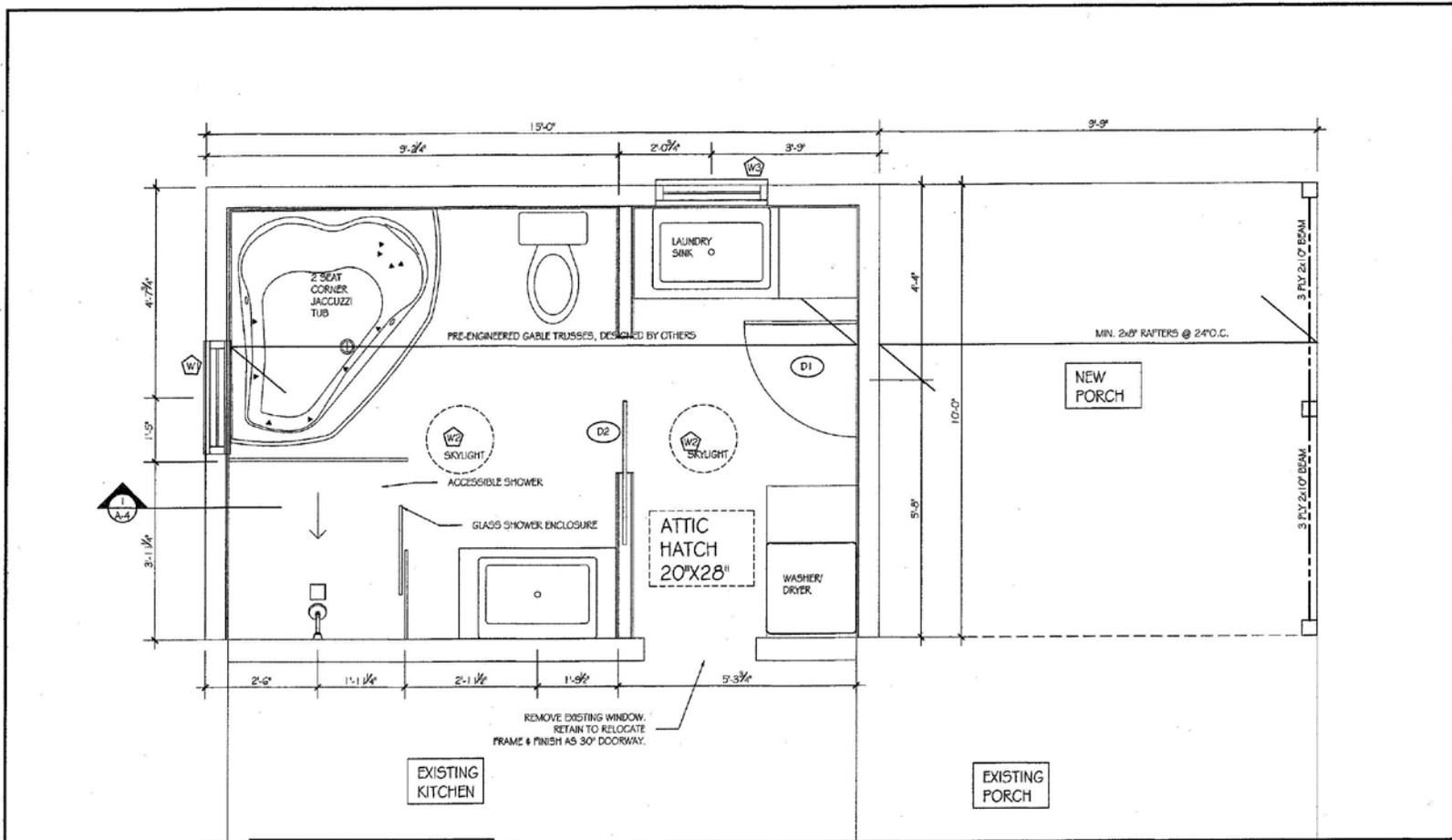
REVISED

D. KING ADDITION
69 CLYDE ST
ALMONTE, ON KOA 1 A0

| | | |
|-----------------|-------------|----------|
| DRAWING TITLE | | |
| FOUNDATION PLAN | | |
| SCALE | DATE | REVISION |
| 3/16" = 1'-0" | 15 MAY 2019 | |

DRAWING NO.

A-2



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MELANIE SMITH

STRAWHAVEN
PROPERTIES & DESIGN

150 Mahele St. Gresham Park, OR 97030 - 415-371-0440 - 509-41009

PROJECT

D. KING ADDITION
69 CLYDE ST
ALMONTE, ON KOA 1A0

DRAWING TITLE

FIRST FLOOR PLAN

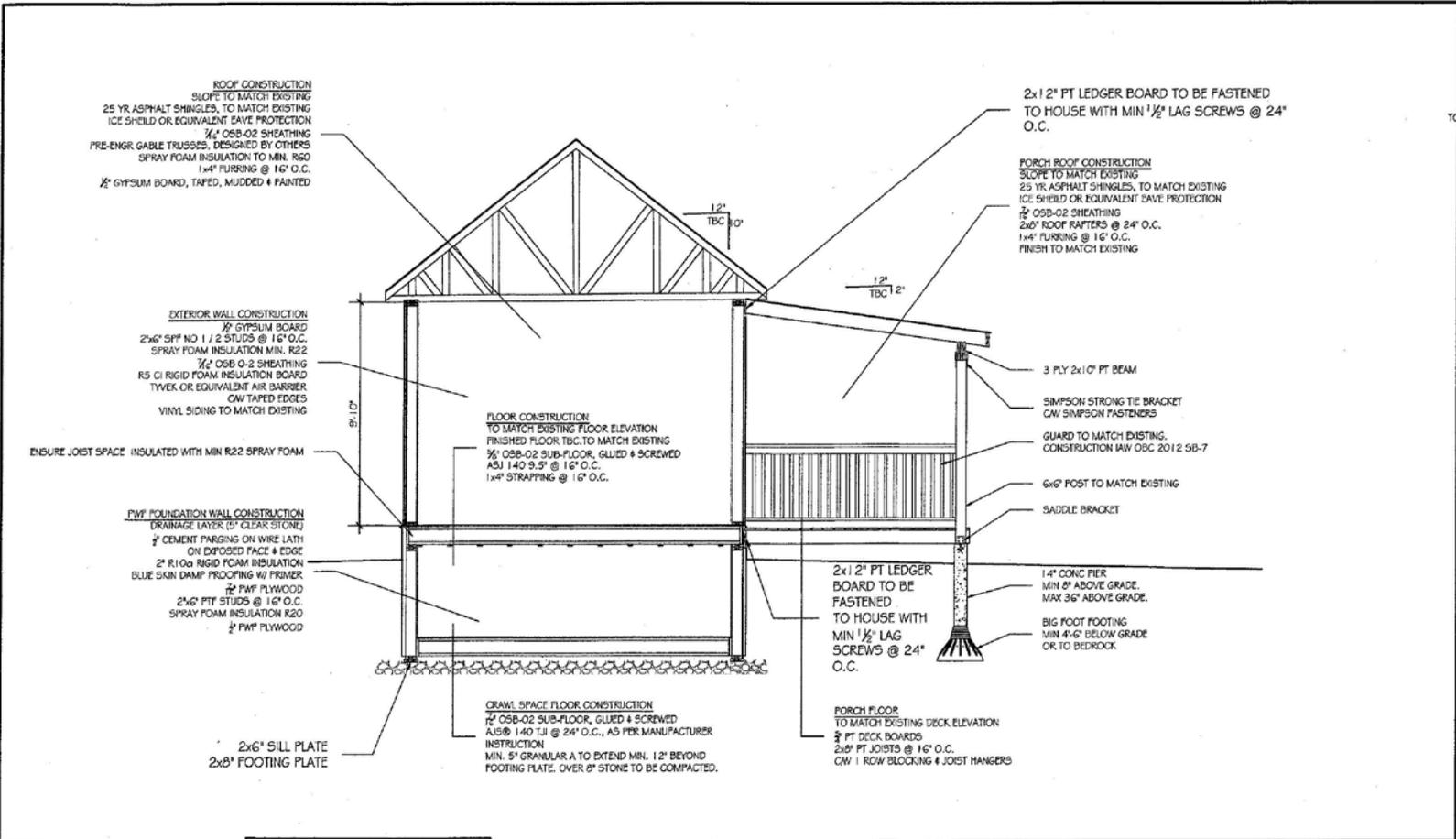
SCALE: 1/4" = 1'-0"

DATE: 13 MAY 2019

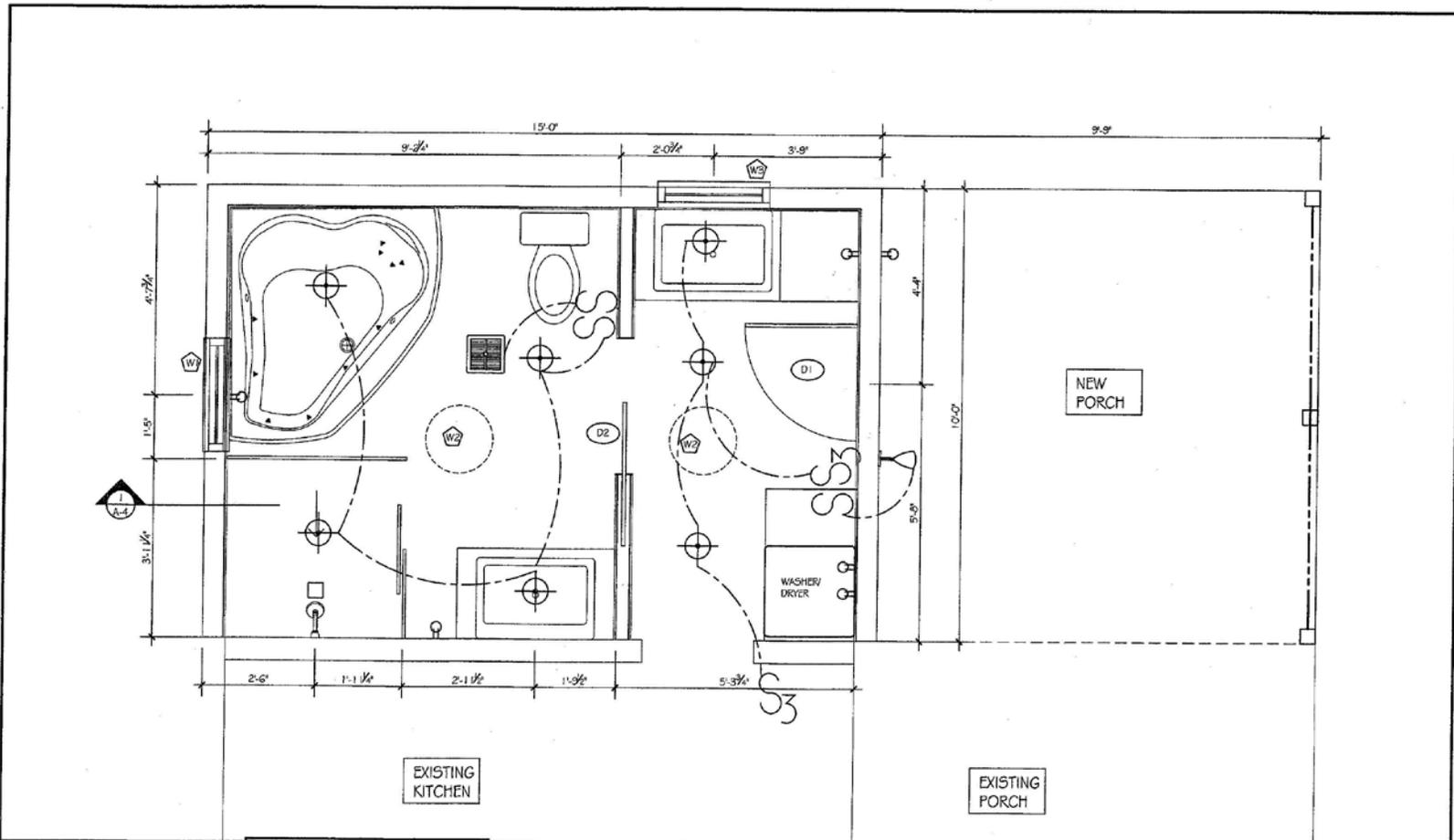
REVISION:

DRAWING NO.

A-3



| | | | | |
|---|---|--|---|--------------------------------------|
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|---|---|--|---|--------------------------------------|



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|--|---|--|--|-------------------------------------|

Schedule B Site Photos



Note: Stakes (circled in red) indicate the location of the rear wall of the proposed addition

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

PLANNING REPORT

MEETING DATE: Wednesday June 19, 2019 @ 5:30pm
TO: Committee of Adjustment
FROM: Maggie Yet – Planner 1
SUBJECT: **MINOR VARIANCE APPLICATION A-04-19 (D13-ONE-19)**
Plan 508, Parts 4, 5, 6
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 105 Alexander Street
OWNER/APPLICANT: Anthony O’Neill

RECOMMENDATION:

THAT the Municipality of Mississippi Mills Committee of Adjustment approves the Minor Variance for the land legally described as Plan 508, Parts 4, 5 and 6 in the Village of Blakeney, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 105 Alexander Street, to reduce the minimum required setback from the high water mark from 30m (98ft) to 11m (36ft) in order to permit the replacement and expansion of a legal non-conforming deck, subject to the following conditions:

- 1. That the Minor Variance is approved based on the plans submitted;**
- 2. That the owners obtain the required permits from the Mississippi Valley Conservation Authority; and**
- 3. That the owners obtain all required building permits prior to construction.**

PURPOSE AND EFFECT

The applicant/owner is applying to replace and expand a non-conforming deck at the rear of an existing dwelling located within the Residential First Density (R1) zone and minimum 30m setback from the floodplain in the Environmental Hazard (EH) Zone. The proposed deck would maintain the existing distance (11m) from the floodplain. The Minor Variance request is outlined below:

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

| Section | Zoning Provision | By-law Requirement | Requested |
|----------------|--|--|--|
| 37.1 | Environmental Hazard (EH) Permitted Uses | Public park, conservation areas, picnic areas, historic sites excluding buildings, forestry use excluding buildings, marina, marina facility, Conservation, place of | Expansion of a legal non-conforming use by an increase of 13.3m ² (143ft ²) |

| | | | |
|---------|--|--------------------------------|------------|
| | | recreation excluding buildings | |
| 6.24(2) | Minimum Setback from the High Water Mark | 30m (98ft) | 11m (36ft) |

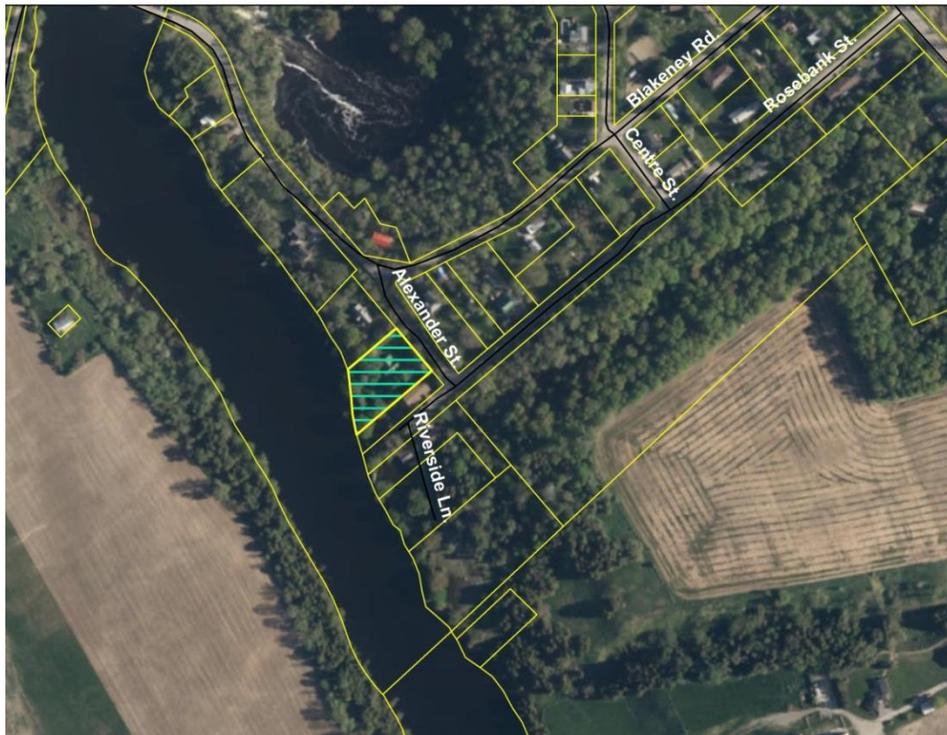
The majority of the property is designated “Residential First Density (R1)” and a portion of the property towards the rear lot line is designated “Environmental Hazard (EH)” under the current Zoning By-law #11-83. The existing dwelling and deck are located within the R1 zone, however, both encroach into the required 30m setback from the high water mark by approximately 14m and 10.6m, respectively. The existing dwelling and deck has existed on the site since 1992.

While the existing structures are legal non-conforming with the provisions of the current Zoning By-law, the proposed increase in size of the deck must be recognized through a minor variance in accordance with Section 45(1) of the Planning Act.

DESCRIPTION OF SUBJECT LANDS

The subject property is located along Alexander Street, within the Village of Blakeney in Ramsay Ward. The entire property is 520.2m² (0.13ac) in size with a frontage of 26.15m (85.8ft). The property is occupied by a single detached dwelling, with an attached deck at the rear of the dwelling. The property is generally surrounded by low density residential properties. 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 private water and sewer services and has driveway access from Alexander Street, a municipally owned and maintained road. The 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 comments received.

Fire Chief: No concerns.

Director of Roads and Public Works: The application will need to be run by the Conservation Authority to see if they have any concerns with the encroachment into the minimum setback. I do not know if there are other factors at play such as floodplain storage or slope stability to consider. Municipal infrastructure will not be impacted by this proposal.

Recreation Coordinator: No concerns.

COMMENTS FROM EXTERNAL AGENCIES

Leeds, Grenville and Lanark Health Authority: Please be advised that our comments will follow once an inspection of the property has been completed.

Mississippi Valley Conservation Authority: See Schedule A

COMMENTS FROM THE PUBLIC

Planning Department staff have not received comments from the public at the time this report was finalized and submitted for Committee of Adjustment review.

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 'Rural Settlement Area and Hamlet' in the Municipality's Community Official Plan (COP) and 'Floodplain.' The Rural Settlement Area designation permits low and medium density residential uses and accessory uses. The Flood Plain designation identifies watersheds within the jurisdiction of the Mississippi Valley Conservation Authority. The Floodplain designation permits existing development within the floodplain and

minor expansions or alterations to existing buildings and structures if it can be demonstrated the provisions of Policy 3.1.3.1.4 are met:

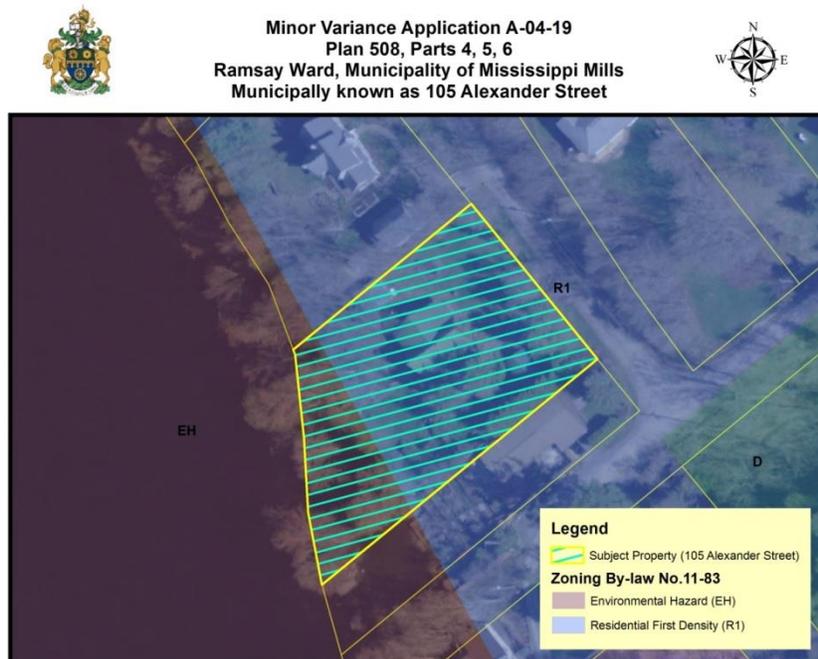
- No adverse effects on the hydraulic characteristics of floodplains shall occur;
- No new dwelling units are created;
- Such renovations, additions and alterations including mechanical and electrical services are flood proofed to the required flood proofing standard;
- There is safe access to the development site;
- A permit is obtained from MVC; and,
- The proposal meets all other relevant policies of this Plan including setbacks and natural vegetative buffers.

Staff have concluded that the proposed development complies with the general intent of the Official Plan to ensure that minor expansions of existing uses do not adversely impact the hydraulic nature of the waterway and do not establish unsafe conditions for users or occupants. As such, Staff are satisfied that the proposed development meets this test of a minor variance.

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

The subject property is zoned “Residential First Density (R1)” and “Environmental Hazard (EH)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R1 Zone permits a detached dwelling and specific provisions in relation to front, interior side, exterior side, and rear yard setbacks of the main dwelling. The purpose of the EH Zone is to allow uses that are safe and that assist in the protection of the environmental attributes of these lands while protecting humans from hazards and constraints that may occur due to the natural environment. Consequently, the EH Zone does not permit habitable uses such as a detached dwelling. The zoning of the subject property is depicted below:

Figure 2. – Zoning Map



The existing dwelling and deck are located within the R1 zone. The owners are applying to reduce the floodplain setback requirement to legally permit the reconstruction of a deck attached at the rear of the existing dwelling. The size of the deck will be increased from 21.5m² (231ft²) to 34.8m² (375ft²). The dimensions of the current deck are 6.4m by 3.35m (21ft by 11ft), whereas the proposed deck will be 10.4m by 3.35m (34ft by 11ft). The proposed deck will maintain the existing minimum distance of 11m (36.1ft) from the established floodplain.

Minimum Setback from the High Water Mark

The intent of the minimum setback requirement from the high water mark for residential use is to ensure that there is sufficient separation between the building and accessory structures from the floodplain. The proposed development has demonstrated conformity with the accessory use provisions of the Zoning By-law, but does not comply with the provisions of Section 6.24(2) of the By-law to maintain a 30m setback from the high water mark, or 15 metres from the floodline, whichever is greater.

With consideration to the comments from MVCA and staff-conducted site visits to the subject property, Staff are satisfied that there is limited risk from the proposed encroachment and that the general intent of the policy to establish safe and secure development is maintained by the proposal.

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

The proposal is desirable for the appropriate development of the land as it would allow the replacement and enlargement of an existing structure that is no longer safe for use. The proposed increase in size of the existing deck is minor, however, will maximize the owners' personal enjoyment and use of the land. Given that the proposed deck will not further encroach into the floodplain than it presently exists, the setback has no foreseeable adverse impact on the integrity of the floodplain or for adjacent properties. 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 required setback from the high water mark would reduce the requirement from 30m (98ft) to 11m(36ft), resulting in a requested relief of 19m (62ft). The proposed deck will not encroach further into the minimum required setback than it presently exists. The increase necessary is longitudinal to the dwelling and as a result only increases the quantitative need for the variance for a greater area of the deck across the rear of the dwelling. As the distance of setback from the floodplain is consistent in depth to what is presently located on the site, Staff can find that there is limited potential for increased environmental and safety impacts for the inhabitants or the property or incidental impacts to adjacent properties. Staff is therefore of the opinion that the requested variance can be found to be minor in nature.

CONCLUSION

Overall, Staff supports the Minor Variance application. The variance would allow the owners to maximize the use, enjoyment and safety of their property with no foreseeable impacts to any other stakeholders. Staff believes that Minor Variance Application A-04-19 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:

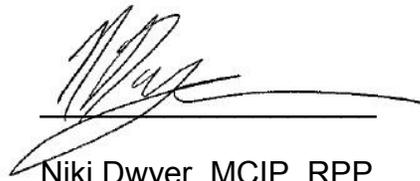
1. That the Minor Variances are approved based on the plans submitted; and
2. That the owners obtain required permits from the Mississippi Valley Conservation Authority; and
3. That the owners obtain all required building permits prior to construction.

All of which is respectfully submitted by,

Reviewed by,



Maggie Yet
Planner 1



Niki Dwyer, MCIP, RPP
Reviewed by Director of Planning

ATTACHMENTS:

SCHEDULE A – Comments from Mississippi Valley Conservation Authority

SCHEDULE B – Lot Sketch

Schedule A Comments from Mississippi Valley Conservation Authority



19-MM-MV, PMMMV-90

June 13, 2019

Nicole Dwyer
Town of Mississippi Mills
3131 Old Perth Road
R.R. #2 P.O. Box 400
Almonte, ON K0A 1A0

Dear Ms. Dwyer:

**Re: Minor Variance Application (A-04-19)
Part Lot 25, Concession 9, Town of Mississippi Mills (Ramsay)
105 Alexander St
O'NEILL**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

According to the information provided, the purpose of the subject application is to replace and expand the size of a deck within the flood plain, Environmental Hazard zone, and the 30 m setback from the river. The existing deck is 231 sq. ft. with a waterbody setback of 11 m, while the proposed deck is 374 sq. ft. with a setback of 11 m.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial imagery, the subject property has frontage on the Mississippi River which is a warm water fishery providing habitat for species such as walleye, northern pike and bass as well as a variety of non-sport and forage fish. According to MVCA mapping, a portion of the subject property is within the 1:100 year flood plain. In addition, the property consists of a slope that descends to the river. MVCA mapping indicates that this slope is a potential *erosion hazard* due to its height, steepness

and potential composition of Leda Clay. The proposed deck is located within this area of concern, as mapped by MVCA.

REVIEW

Natural Heritage Features:

Waterbody

The subject property has frontage on the Mississippi River, which is considered a significant natural heritage feature. Guidelines prepared in support of the Provincial Policy Statement indicate that a minimum development setback of 30 m is required from the river. We note that the Town of Mississippi Mills also has a 30 m setback requirement.

In consideration of the PPS, as well as the necessity to limit the potential cumulative impact of development and pervious (hard) surfaces within the nearshore area, MVCA generally recommends the following:

- The addition should not result in a further encroachment towards the waterbody compared to the existing structure;
- The waterbody setback should be maximized to the greatest extent feasible towards the minimum requirement;
- Any increase in footprint should be limited in size.

It is our opinion that the above recommendations have been satisfied.

Natural Hazards

Flood Plain

A portion of the subject property is within the 1:100 year flood plain; however, the proposed development is located well beyond this regulated area. Therefore, the flood plain is not considered a constraint to the subject application.

Slope

It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to a stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement, Section 3.1.1.b). *Erosion hazards* include slopes which have the potential for slope instability due to their steepness and height. Soil composition is also a factor. Slopes that consist of Leda clay, and exceed 3 m in height and a 5:1 slope angle fall under the definition of a potential *erosion hazard*.

MVCA mapping indicates that the slope on the subject property falls under the definition of an *erosion hazard*. Mapping also indicates that the proposed building envelope is within this area of concern i.e. within the Regulation Limit of an *erosion hazard*.

Development should be directed a suitable distance from these slopes, or a geotechnical evaluation may be required to assess slope stability, depending on the size of the proposed development. However, in the particular case, the size of the additional decking is

sufficiently minor that a geotechnical investigation is not required under MVCA Regulation Polices. Notwithstanding, a permit is required from MVCA for the subject work.

RECOMMENDATIONS

With all of the above in consideration, MVCA does not have any objection to the subject application provided the following mitigative measures are implemented:

1. Excavated material shall be disposed of well away from the river.
2. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed down the slope on the subject property and into the river, or onto adjacent properties.
3. Pursuant to Pursuant to Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*, a permit is required from MVCA for the proposed work.

NOTES

We recommend the planting of native plant species on the face of the slope leading to the river. This effort will help to mitigate the effects of erosion and surface runoff on the river and help to maintain slope stability. The existing vegetation along the shoreline should also be retained and ideally augmented.

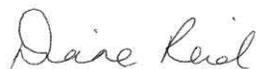
We advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the river, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

As previously indicated, the subject property is partially located within the 1:100 year flood plain and almost entirely within the Regulation Limit of a potential erosion hazard. Therefore, pursuant to Ontario Regulation 153/06, written permission is required from MVCA for the subject work and prior to the initiation of any future development (including construction and filling activity (excavations, stockpiling and site grading)) within these regulated areas. In addition, any proposed alterations to the shoreline of the river require permission from MVCA.

A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

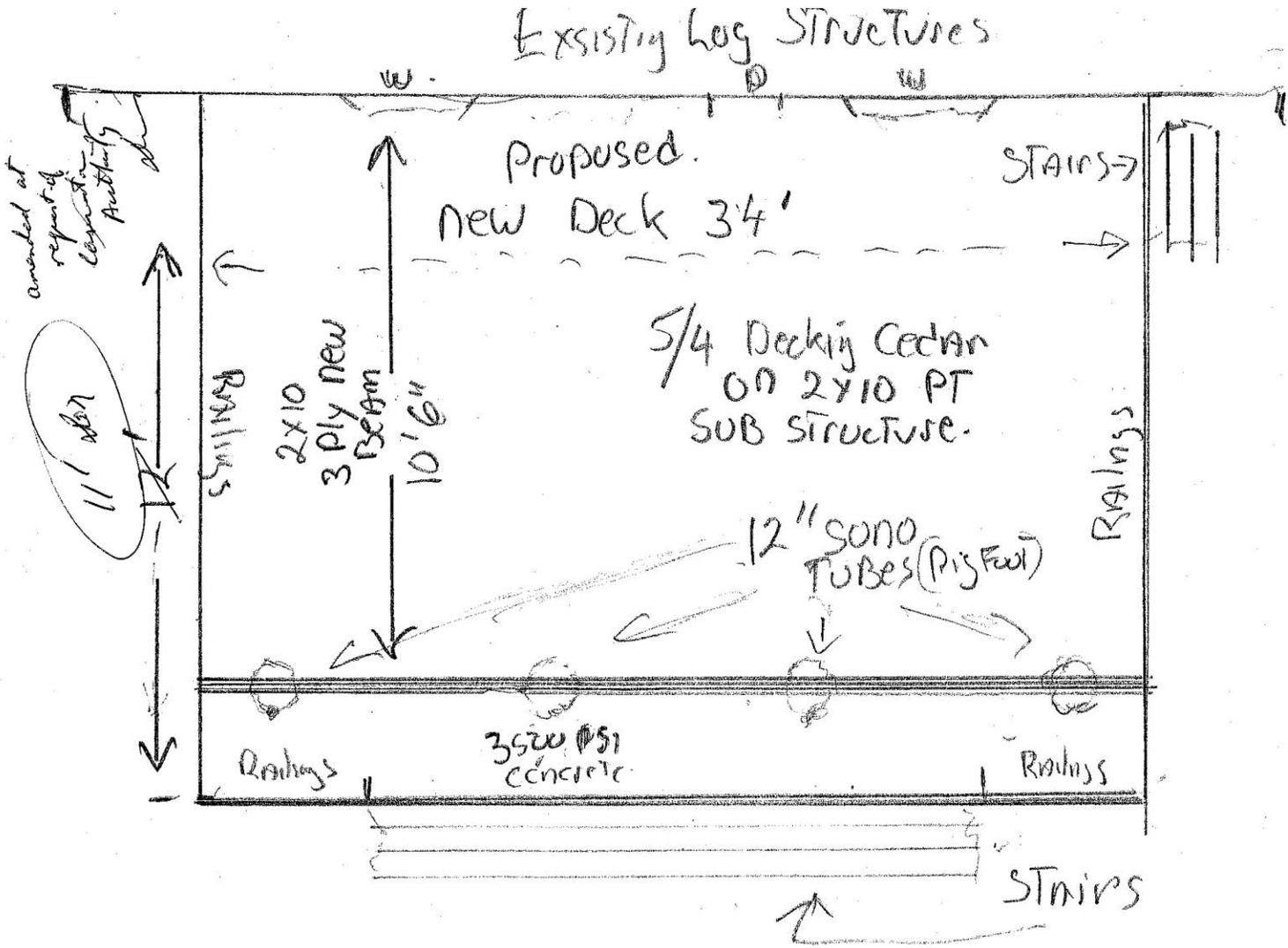
Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

Yours truly,



Diane Reid
Environmental Planner

Schedule B Lot Sketch

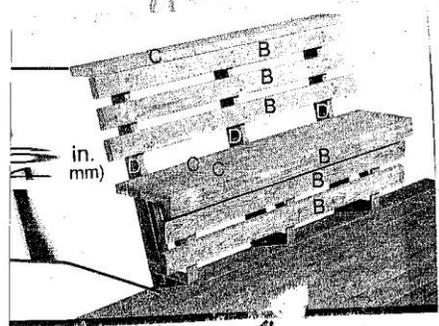


2x6 cedar
Trellis work
Above Deck

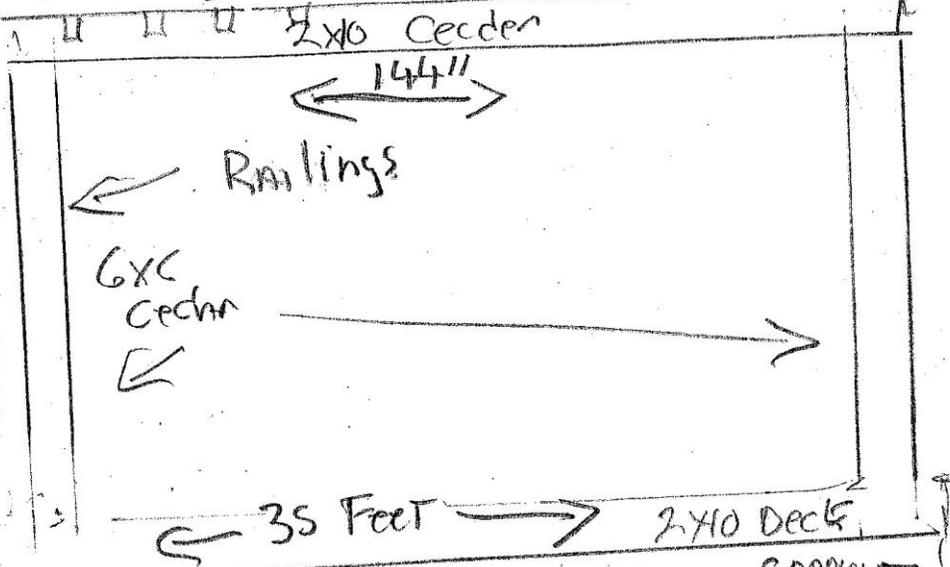
2x6 Joists
OUT 48 inch.
16' 0" c →

UPSTAIRS
PATIO
DOWN

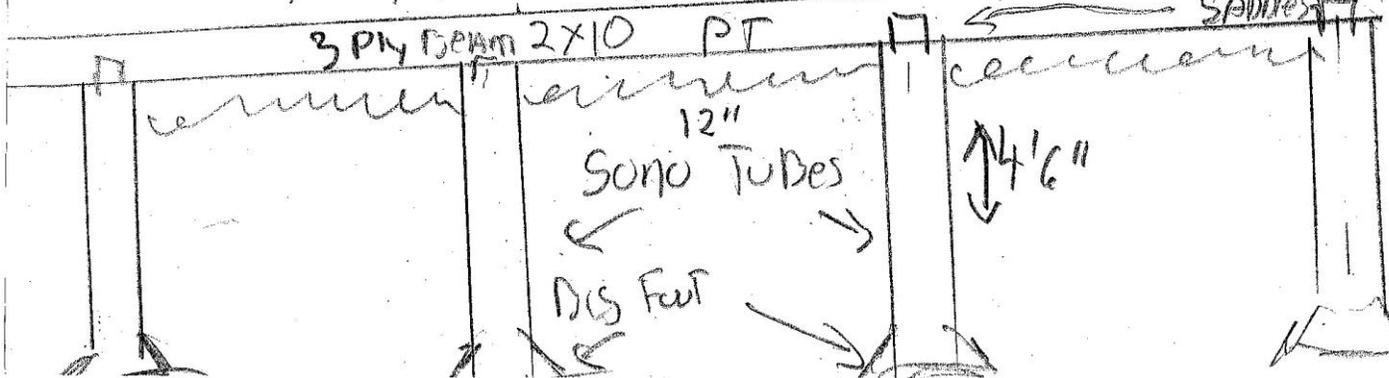
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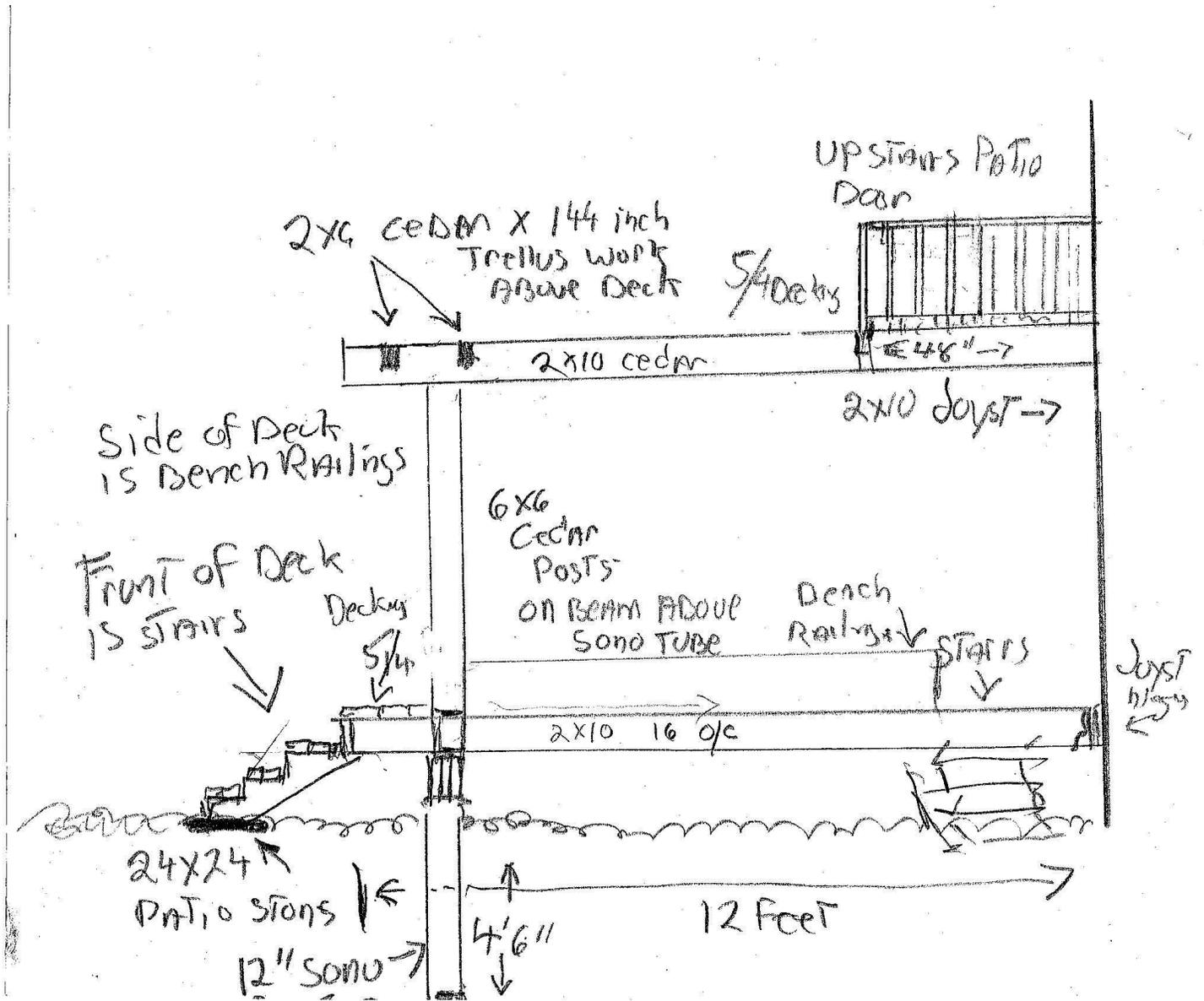


5/4 Decking
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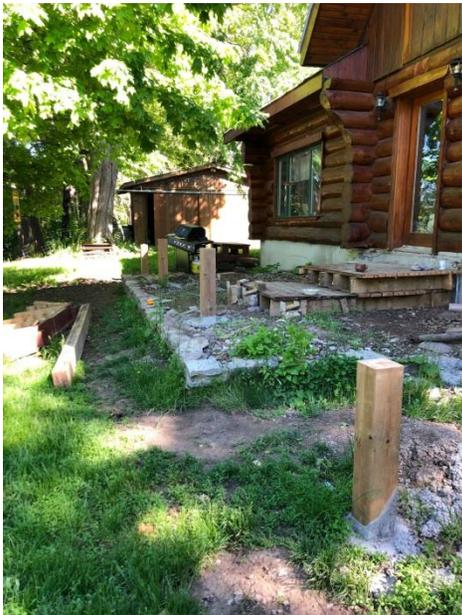


← 35 Feet → 2x10 Deck





Schedule C Site Photos



Note: Tree stump (circled in red) indicates the approximate location of the high water mark