



Committee of Adjustment

AGENDA

Virtual Public Hearing regarding Applications for Minor Variance

August 30, 2022 at 6:00 p.m.

IMPORTANT NOTICE: This meeting will be held in person by Committee with staff, and to ensure transparency, it will be recorded and livestreamed electronically on the “Village of Merrickville-Wolford” YouTube channel at https://www.youtube.com/channel/UC_OEkw3yIMarGSHGeNecrQg

Live comments regarding the proposed minor variance may be submitted during the Virtual Public Hearing as follows:

Online at: <https://us02web.zoom.us/j/84471229745>
Passcode: 998564

By Phone at: 1-647-558-0588
Meeting ID: 844 7122 9745
Passcode: 998564

1. Call to Order
2. Disclosure of Pecuniary Interest and Nature Thereof
3. Appointment of Secretary-Treasurer for this meeting
4. Appointment of Chairperson for this meeting
5. New Business:
 1. File No. A-02-2022 re: Sands at 118 William Street
 2. File No. A-03-2022 re: Irish at 12058 County Road 15
6. Adjournment



VILLAGE OF MERRICKVILLE-WOLFORD

Notice of VIRTUAL Public Hearing

Application for Minor Variance

File No. A-02-2022

Section 45(1) of the Planning Act, 1990

IN THE MATTER of an application for minor variance with respect to the following:

Name of Owner(s): Lyndon and Dayna Marie Sands
Location of Property: 118 William Street, Village of Merrickville-Wolford
PLAN 6 BLK 32 LOT 17 PT LOT;4 RP 15R5980 PARTS 1 AND 2

TAKE NOTICE that an application under the above file number will be heard (VIRTUALLY) by the Committee of Adjustment on the date and time shown below:

Date and Time: Tuesday, August 30, 2022 at 6:00 p.m.

Purpose of Application:

The request is to construct an extension to an existing legal non-conforming dwelling, where the proposed extension would be on the original kitchen (extension having dimensions 4' x 9'), to allow for a powder room (dependent on approval from the Regional Health Unit) or to square-off and create a uniform area at the back of the house. The application is seeking relief from the Merrickville-Wolford Zoning By-Law 23-08, as amended, as relates to zoning provisions in Section 5.2.2, namely the minimum 3 m (9.8') side yard setback. The kitchen is currently 0.61 m (24") from the side yard and the applicant seeks to extend the kitchen by 1.2 m (4') along the side lot line. A demolition permit has been obtained to demolish the existing kitchen. For the re-build, the applicant requests relief from the zoning by-law to have the 1.2 m (4') extension continue along the current 0.61 m (24") setback of the side lot line. Subject site shown on Key Map below.

Official Plan: Residential, within the Special Heritage Policy Area 2, Urban Area Boundary
Zoning: Residential Type One (R1)

Additional information relating to the proposed minor variance is available for inspection on the Village website at www.merrickville-wolford.ca or by email request to cao@merrickville-wolford.ca

Any person may make written representation in support of or in opposition to the proposal. Written comments shall be submitted to the Clerk by mail to P.O. Box 340, Merrickville, ON, K0G 1N0, or by email to cao@merrickville-wolford.ca **no later than 12:00 p.m., noon, on August 30, 2022.** Written submissions will be provided to members of the Committee of Adjustment in advance of the meeting, if possible. All written submissions must clearly indicate **"118 William Street, MINOR VARIANCE, A-02-2022"** in the subject line of an email or letter submission. In addition, live comments may be submitted during the virtual public hearing **beginning August 30, 2022 at 6:00 p.m. until meeting end.** The Clerk or Village representative(s) will verbally read out written deputations and live comments during the virtual hearing at the time the application is considered. You are entitled to attend this public hearing virtually.

If you wish to attend you must register in advance by email to cao@merrickville-wolford.ca or mail to P.O. Box 340, Merrickville, ON, K0G 1N0 to be received **no later than 12:00 p.m., noon, on August 30, 2022.** Upon registration, you will receive details on how to join the Virtual Public Hearing.

To Observe only, Visit the Village Council's YouTube Channel:

https://www.youtube.com/channel/UC_OEkw3yIMarGSHGeNecrQg

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance, does not make written submissions to the Committee of Adjustment before a decision is made, the Ontario Land Tribunal may dismiss the appeal. If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed Minor Variance, you must make written request to the above address.

Dated this 18th day of August 2022
Doug Robertson, CAO/Clerk

KEY MAP



118 William Street, Merrickville-Wolford
Subject site outlined in blue above



July 29/22

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD
Application for Minor Variance or Permission

FOR OFFICE USE ONLY

Date the Application was Received by the Village:

1. Property Owner's Name: LYNDON & DAYNA Sands
Address: 118 William Street, Box 643
Postal Code: K0G 1N0
e-mail: [REDACTED]
Telephone: Home: [REDACTED] Work: [REDACTED]
Cell: [REDACTED] Fax: [REDACTED]
Lyndon
2. Applicant/Agent Name: Same as above
Address if different from Owner: [REDACTED]
Postal Code: [REDACTED]
e-mail: [REDACTED]
Telephone: Home: [REDACTED] Work: [REDACTED]
Cell: [REDACTED] Fax: [REDACTED]
3. Name and address of any mortgages, holders of charges or other encumbrances of the subject lands:
N/A
4. Legal Description of Property: Former Municipality Merrickville
PLAN 6 BLK 32, LOT 17, PT LOT 4 RP
Lot(s): 15R5980 PARTS 1+2 REG 5920.00 SE Concession: [REDACTED]
Lot(s): 80.00 FR 74.00 D Registered Plan: [REDACTED]
Part(s): [REDACTED] Reference Plan: [REDACTED]
Street Address: 118 William Street
Roll Number: 0714714 010 18000 0000 Survey Attached: Yes / (No)
5. Are there any easements or restrictive covenants affecting the subject property? Yes / (No)
6. If yes, please describe the easement or covenant:
[REDACTED]
7. Dimensions of lands affected: Frontage: 9 feet
Depth: 4 feet
Area: 36 sq ft
Width of Street: N/A

8. Nature and extent of relief applied for: Extension of original Kitchen with a 4' x 9' expansion to allow for a powder room (if approved by health dept) or adding onto the existing kitchen to create a uniform area at the back of the house.
Relief sought to reduce set back for 4' x 9' expansion.



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

9. Why is it not possible to comply with the provisions of the By-Law?
The property expansion would be contrary to existing zoning and set backs
10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
Residential + special heritage policy area
11. Existing Village of Merrickville-Wolford Zoning of the land:
Residential Type 1 (R-1)
12. Existing County Official Plan Designation:
Residential
13. Other applications submitted with this application:
Official Plan Amendment ☐ Consent ☐ Zoning ☐ Plan Of Subdivision ☐ N/A
14. Have the subject lands ever been the subject of an application for an official plan amendment, zoning amendment, minor variance or site plan control?
Yes ☐ (please provide details below) No ☒
15. Existing use of subject property and length of time this use has continued on the subject property if known please provide length of time that the existing use has continued:
Residential home.
16. Description of all buildings and structures on or proposed for the subject lands (specify ground floor area, gross floor area, number of storeys, width, length, height of buildings as well as distance from side, rear and front lot lines): Kitchen currently 12" from lot line.
Currently a resid. home with outdoor deck, detached garage, 2 sheds. Applying for extension of existing kitchen by 4' x 9' which would not affect this measurement
Existing: 2-storey, 2-bedroom, 1 bath, 1 detached garage, 2 storage sheds
Proposed: Addition of 4' x 9' powder room/kitchen expansion
17. Date of construction of all buildings and structures on subject lands: Main house 1837, kitchen addition is unknown.
18. Does this application require demolition of an existing building? Yes ☒ No ☐
If yes, please specify: Existing kitchen to demolish due to instability and poor construction. Seeking relief to extend kitchen with a 4' x 9' powder room/kitchen extension.

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



Telephone (613) 269-4791
Facsimile (613) 269-3095

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

19. Number of Parking Spaces

Number of Existing:

6

Number of Proposed:

No change.

20. Type of access to the lands and name of road:

Provincial Highway

Year-Round Municipal Road

Unopened Road Allowance

Water Access

County Road

Seasonal Municipal Road

Private Right-of-Way

Other, please specify



21. Services currently available, or to be available:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Septic
Existing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. Are Stormwater Sewers present?

Yes



No



Proposed



23. Are there any of the following uses or features on the subject lands or within 500 metres of the subject property?

Use or Feature	On a Subject Land?	Within 500 m of Subject Land?
An agriculturally designated area		
A livestock facility (ie. Barn) or manure storage facility		
A landfill site (active or closed)		
A sewage treatment plant/lagoon		
An industrial use		
A licensed pit or quarry or an area designated for aggregate extraction		
A mining hazard		
An active railway line		<input checked="" type="checkbox"/>
A flood plain or other natural hazard		<input checked="" type="checkbox"/>
A natural gas or oil pipeline		
A hydro easement		
A contaminated site		
A well head protection zone		
A provincially significant wetland		
An area of natural and scientific interest (ANSI)		
Fish/Wildlife Habitat		<input checked="" type="checkbox"/>
A designated heritage property		<input checked="" type="checkbox"/>

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THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

MUST BE COMPLETED IN THE PRESENCE OF A "COMMISSIONER". THE MUNICIPAL CLERK IS AN AUTHORIZED COMMISSIONER.

I, DAYNA SANDS of the Village of Merrickville, in the Municipality of Merrickville-Wolford hereby solemnly declare that the information contained in this application are on the attached plan and any associated information submitted with this application are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application.

There is a minimum NON-REFUNDABLE fee of \$500.00 (Charges incurred or disbursements over this amount shall be charged to the applicant, plus the costs charged by outside agencies.)

Date:

July 29-22

Signature of Owner:

Dayna Sands

Signature of Agent or Applicant:

Dayna Sands

DECLARED BEFORE ME AT THE Village OF Merrickville-Wolford IN THE County OF Leeds + Grenville, THIS 29 DAY OF July, 2022.

Kristen Rahm
Treasurer, Commissioner
The Village of Merrickville-Wolford

A COMMISSIONER, ETC:

[Signature]

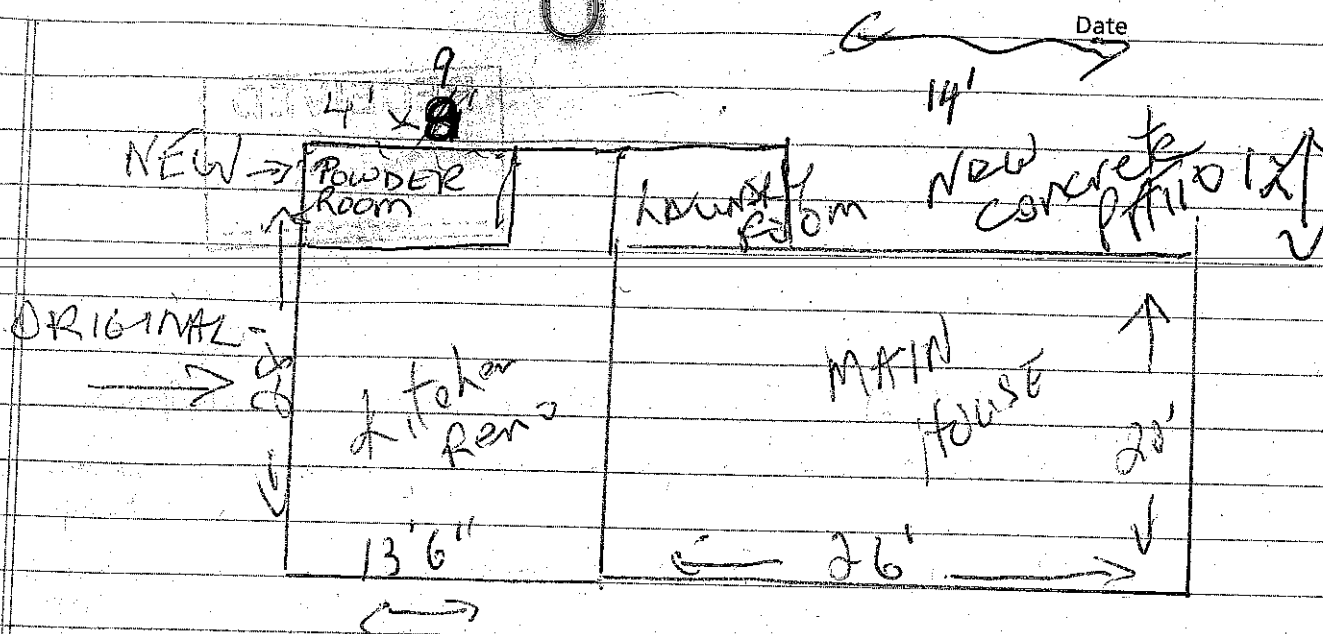
FREEDOM OF INFORMATION/ACCESS TO PROPERTY CONSENT OF OWNER

I, Dayna Sands, being the registered owner of the lands subject of this application for minor variance, and for the purposes of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application. I also authorize and consent to representatives of the Village of Merrickville-Wolford, and the persons and public bodies conferred with under Section 45 (5) of the Planning Act, entering upon the lands subject of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of this application.

July 29-22
Date

Owner's Signature

Dayna Sands



Remove Current Kitchen and replace with concrete Slab Scissor Trusses and Shed trusses on rear to join with existing laundry room.

New Concrete Patio at rear to replace existing wood deck

12' x 14'

Slab / Footings? Thickness

wall thickness (detail) Insulation?

Setbacks From Side & Rear.

Truss design. (Rafters)

REAR PROPERTY LINE

40' rear setback

EXISTING
SHED

EXISTING
WORKSHOP

EXISTING
SHED

9'
PROPOSED 4' x 9'
ADDITION FOR
POWDER ROOM

back
entrance

septic
5'

16.5'

PATIO AREA
14' x 12'

KITCHEN

28'

MAIN
HOUSE

PARKING AREA

electrical
panel
in kitchen

13'

26'

20'

townwater

TOWNSHIP LINE

electrical

WILLIAM STREET

WEST PROPERTY LINE

EAST PROPERTY LINE



3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504
F 613-692-0831 | www.rvca.ca

22-MWO-MVA-0038 & A-02-2022

August 24, 2022

Village of Merrickville-Wolford
317 Brock Street W
P.O. Box 340,
Merrickville, ON
K0G 1N0

Attention: Stacie Lloyd/Doug Robertson

**Subject: Lyndon and Dayna Marie Sands
118 William Street, Village of Merrickville-Wolford
PLAN 6 BLK 32 LOT 17 PT LOT;4 RP 15R5980 PARTS 1 AND 2**

Dear Ms. Lloyd/Mr. Robertson,

The Rideau Valley Conservation Authority within the context of:

- Section 1.6.6 Stormwater, 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazard of the Provincial Policy Statement (PPS 2020) under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses"), Regulation 174-06 under Section 28 of the Conservation Authorities Act;
- The Mississippi-Rideau Source Protection Plan.

The Proposal

The request is to construct an extension to an existing legal non-conforming dwelling, where the proposed extension would be on the original kitchen (extension having dimensions 4' x 9'), to allow for a powder room (dependent on approval from the Regional Health Unit) or to square-off and create a uniform area at the back of the house. The application is seeking relief from the Merrickville-Wolford Zoning By-Law 23-08, as amended, as relates to zoning provisions in Section 5.2.2, namely the minimum 3 m (9.8') side yard setback. The kitchen is currently 0.61 m (24") from the side yard and the applicant seeks to extend the kitchen by 1.2 m (4') along the side lot line. A demolition permit has been obtained to demolish the existing kitchen. For the re-build, the applicant requests relief from the zoning by-law to have the 1.2 m (4') extension continue along the current 0.61 m (24") setback of the side lot line.

Official Plan: Residential, within the Special Heritage Policy Area 2, Urban Area Boundary

Zoning: Residential Type One (R1)

The Property

This property is a square in shape and is approximately 702 square metres (25m x 27m) in size. It is located within the Village of Merrickville on municipal water and sewage serving.

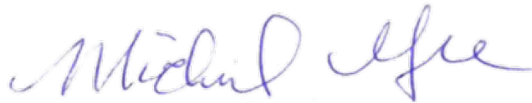
RVCA Comments and Recommendations

In this application there are no significant impacts to adjacent natural features or RVCA regulations. The southern half of the property is located within a Municipal Drinking Water Intake Protection Zone (IPZ). Within the Well Head Protection Area (WHPA), the vulnerability score is low and does not trigger any threat policies that would be applicable to this re-development. No RVCA Section 28 permit is required as the proposed development is outside the any RVCA regulated lands.

In conclusion, the RVCA does not object to the approval of the minor variance as presented. In this application, the proposed addition will not be any closer to the lot line than what exists already. Thank you for the opportunity to comment.

Please do not hesitate to contact the undersigned should you have any questions. Please advise the RVCA on the committee's decision regarding this application or of any changes in its status.

Yours truly,



Michael Yee
Environmental Planner, RVCA
613-692-3571 X 1176

Cc - Lyndon & Dayna Sands (Owner)
 - Emma Bennett, Nick Fritzsche (RVCA)

From: MacNeil, Ben <Ben.MacNeil@healthunit.org>
Sent: Thursday, August 25, 2022 3:58 PM
To: Economic Development Officer <edo@Merrickville-wolford.ca>; Carpenter, Nancy <Nancy.Carpenter@healthunit.org>
Cc: Julia McCaugherty-Jansman <deputyclerk@Merrickville-wolford.ca>
Subject: RE: Minor Variance Applications A-02-2022 and A-03-2022 - Notice of Public Hearing (virtual) - August 30/22 at 6 pm - Merrickville-Wolford

Hello Stacie,

Am writing to provide comments regarding Mjnir Variance Applications A-02-2022 and A-03-2022.

A-02-2022

The Owners of 118 William street have proposed an addition which includes one half-bathroom. The proposed addition will not result in a change to the total daily design flow for the septic system. A new septic tank is required. The owners have applied for a permit to replace the septic tank. The Leeds, Grenville and Lanark District Health Unit has no objection to approving the proposed Minor Variance.

Regards,

Ben MacNeil
Public Health Inspector
Leeds, Grenville and Lanark District Health Unit
458 Laurier Blvd., Brockville, ON K6V 7A3 613-345-5685<<tel:613-345-5685>>

From: David Ryall [REDACTED]
Sent: Tuesday, August 23, 2022 6:24 PM
To: Doug Robertson <cao@Merrickville-wolford.ca>
Cc: mariet13 [REDACTED]; David Ryall [REDACTED]
Subject: 118 William Street, MINOR VARIANCE, A-02-2022

To whom it may Concern. In regards to the above minor variance A-02-2022 we with respect do not agree with the implementation of it. There are several reasons for this which are list below.

1. The kitchen area that is associated with this variance is no longer in place and has been demolished completey including its foundation. therefore the grandfather clause for this should be removed and the minor variance extended to include the kitchen.
2. The kitchen was built to the lot line by the last owner without a permit. It was originally a carport.
3. The overhang of the roof projects over the lot line and deposits all of the water and snow runoff onto our property. The damage to the grass always being wet is evident.
4. The frontage distance is not what is required by the bylaws so the variance will need to be increased to cover this as well.
5. With the complete removal of the building that is covered by the grandfather clause a variance will need to be applied for this addition covered under permit #B-056-22 that was issued without:
 - a. A valid survey
 - b. A plot plan showing water flow and grading
 - c. A valid approval from the health unit.
6. There are several other encroachment issues with this lot both on our side and the next side neighbors. The current dilapidated fence that runs down our lot that the previous owner installed is on our side of the lot line and the current owner just removed sections an installed them on our lot.
7. We have concerns that the current work that is underway will damage and is damaging the fence that we installed just recently.

So In closing I would request that I am forwarded an invitation to the meeting regarding this minor variance. I would also request that the complete file for this address be made available to us as we are the party that will be effected by this.

Thanks and Regards,

David Ryall and Marie Tremblay
112 William Street, P.O. Box 495
Merrickville, Ontario
K0G1N0

From: Gordon Weber [REDACTED]
Sent: Thursday, August 25, 2022 12:25 PM
To: Doug Robertson <cao@Merrickville-wolford.ca>
Subject: 118 William Street, MINOR VARIANCE, A-02-2022

RE: 118 William Street, MINOR VARIANCE, A-02-2022

To: Mr. Doug Robertson, CAO/Clerk, and,
Committee of Adjustment,
Village of Merrickville-Wolford

Date: August 25, 2022

Dear Mr. Robertson and Committee members,

It appears to us that one of two possible scenarios is happening at 118 William Street,

1. The owners have proceeded with construction without following required procedures and permissions, or,
2. The owners have received official permissions to proceed with construction without official required applications and notifications to residents.

Either way, our by-laws have been ignored. This begs the questions we would like the committee to answer:

1. How did construction get this far without official intervention?
2. If the owners have been in contact with officials, why has construction been allowed to continue?
3. Are the owners proceeding in accordance with an official land survey?

4. If structural demolition takes place on a grandfathered footprint, by what regulation(s) is the owner permitted to rebuild on a larger footprint?
5. Is it agreeable with the committee to have roof runoff from one property land on the neighbouring property, resulting in soil erosion?
6. Given that this non-conforming property already violates front, (new sidewalk violates front setback), and side yard setback regulations on all borders, will not permit the continuance of this construction to provide precedence to all future development in Merrickville-Wolford?
7. Why is 118 William Street, a legal non-conforming dwelling that obviously appears to break boundary by-laws, being considered for even more variance to our by-laws?

Merrickville continues as a successful village due in large to our tourist industry. The big tourist appeal to our village is our unique appearance, preserved in our heritage buildings, as well as our commitment to not permit new development to change our appearance. For example, attention has been paid to the development of Merrickville Estates where, although all structures are contemporary and homogenous in appearance, it exists entirely on spacious one-acre lots.

To allow the cramming of structures to the very edge and even, as on the west side of 118 William Street, over the property line, is to permit a type of choked crowding that is unattractive and thus, undesirable. It will permit change to the very nature and beauty of Merrickville, reducing real estate values.

We do not want this construction to be permitted. Just as we have, the owners of 118 William Street should have to comply with the existing by-laws and thus, not be permitted their application for a minor variance.

Thank you for your consideration,

Gordon J. Weber and Heather L. Gallup

136 William Street,
P.O. Box 138
Merrickville, ON
K0G 1N0



Jp2g Consultants Inc.

ENGINEERS • PLANNERS • PROJECT MANAGERS

12 International Drive, Pembroke, ON, K8A 6W5
T 613-735-2507, F 613-735-4513, www.jp2g.com

August 25, 2022

Village of Merrickville-Wolford
317 Brock Street West
P.O. Box 340
Merrickville, ON K0G 1N0

Attention: Doug Robertson, CAO/Clerk

**Re: Planning Report: Minor Variance A-02-2022 (Sands)
118 William Street, Former Village of Merrickville, Village of
Merrickville-Wolford**

Please accept the following Planning Report summarizing the nature and effect of the minor variance application before the Committee of Adjustment for 118 William Street in the former Village of Merrickville. The Report also summarizes relevant planning policy and provides a professional planning opinion on the merits of the application.

Purpose and Effect

The request is to construct a 1.2m X 2.7m extension to an existing legal non-conforming dwelling with a 0.41 m (1.3 ft) side yard setback. The existing dwelling is located 0.41 m (1.3 ft) from the easterly side lot line. Section 5.2.2 of the Merrickville-Wolford Zoning By-law 23-08 requires a minimum side yard setback of 3 m (9.8 feet) on one side and 1.2 m (3.9 feet). The existing dwelling is legal non-conforming in that the side yard encroachment was established prior to the establishment of the Merrickville-Wolford Zoning By-law. The desire is to remove and replace the easterly 1/3 of the dwelling plus and addition of a 1.2m X 2.7m extension to allow for the squaring off of the rear of the building, extending the 0.41 m side yard setback a further 1.2 m into the south.

Description of Development

The applicant owns a lot on the north side of the Rideau River in the former Village of Merrickville. The property is currently occupied by an older detached dwelling, garage and two outbuildings. The existing dwelling is located approximately 0.41 m from the easterly side lot line. The proposal is to remove a portion of the existing building and rebuild on the same footprint, plus include a 1.2m X 2.7 m extension to the rear of the dwelling, squaring off the rear of the house. It is the continuation of the 0.41 m setback for the new portion of the dwelling that requires approval from the Committee of Adjustment. The replacement of the portion of existing dwelling with the existing 0.41 m setback is legal non-conforming and can be replaced without any additional planning approval.



The applicant has provided a survey of the subject property from 1979 demonstrating the location of the existing dwelling and its relationship with the easterly lot line. In addition, the MPAC records for the property appear to recognize the size of the existing structure. Based on this information the footprint of the existing structure is deemed to have legal non-conforming status.

Site and Surrounding Land Use

The subject property is located in an established residential neighbourhood on the north side of the Rideau River, within the former Village of Merrickville. The property is surrounded by existing single detached residential development and is typical of the lots in the neighbourhood. The subject property has 24.4m (80 ft) of frontage on William Street and a depth of 22.6 m (74 ft). The property is on municipal water services and private septic system (Map 1).

The surrounding land use consists of similar size properties and structures and can be best described as a mature single detached neighbourhood.

Existing Official Plan and Zoning

The subject property is designated “Residential” in the Village of Merrickville-Wolford Official Plan. This designation permits a wide range of residential uses including the existing single detached dwelling on the subject property. It is also worth noting Section 3.10 of the Official Plan which encourages the intensification of existing residential development. Section 3.10.2 of the Official Plan sets out the policies for consideration of minor variance requests. The policies read:

- “1. Section 45 of the Planning Act concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of the Zoning By-law, provided the minor variance(s) is desirable for the appropriate development or use of the land building or structure, and provided the general intent and purpose of the Official Plan and Zoning By-law are maintained.”

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property “Residential Type One (R1)” which permits the single detached use of the property. The R1 zone does require a 3 m side yard on one side and a 1.2 m side yard on the other for a total of 4.2 m side yard setback combined. The existing dwelling is 11.6 m from the westerly side lot line and 0.41 m from the easterly lot line.

Comments

The Village CBO indicated that the management of stormwater is important in this area, and he recommended that eaves troughs be put on the structure and drained into a Big “O” taking the runoff from the roof away from the buildings and neighbouring property.



The RVCA provided comments of no objection.

At the time of the writing of this report there was one neighbour who expressed concerns with the proposed minor variance. Davy Ryall/Marie Tremblay of 112 William Street (neighbour directly to the east). Mr. Ryall/Ms. Tremblay share a property line with the applicant and is currently encroached upon and subject to the MV for further encroachment. They have indicated they do not support the application for several reasons:

1. The kitchen area has been demolished and therefore grandfather clause should not apply;
2. The former kitchen was built to the lot line by the former owner without permit and the space was originally for a carport.
3. The overhang of the roof projects over the lot line and deposits stormwater on their property;
4. The frontage distance is not what is required by the by-law and the variance should cover that as well.
5. Concerns with the issuance of the Building permit B-056-22 for the replacement of the kitchen without a survey, drainage plan and Health Unit approval.
6. Shared fence is not on lot line and encroaches into their property.

In response to these comments, staff have investigated the legality of the existing structure and the encroachment into the side yard. Sufficient evidence has been produced through the 1979 survey to confirm the legal non-conforming status of the footprint of the existing structure.

Regarding legal non-conforming structures, Section 3.6.2(4) of the Village Zoning By-law states that:

“Nothing in this By-law shall prevent the repair, or the replacement, in whole or in part, or the strengthening to a safe condition, of any building or structure, or part of such building or structure, which is non-conforming or non-complying with respect to the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure.”

It is understood that Building Permit B-056-22 was issued respecting Section 3.6.2(4) of the Zoning By-law. The CBO has recognized the drainage issues with the neighbouring property in his comments and will be reflected in the recommended conditions associated with the MV decision.

With respect to other non-conforming issues such as lot frontage, it is understood that the R1 zone for lands with just municipal water services the minimum lot frontage is 30 m (98.4 feet). The subject property has 24.4m (80 ft) of frontage and is clearly legal



non-conforming. However, Section 3.6.5 (1) Lots having less Area and/or Frontage of the Zoning By-law states that:

“Except as may otherwise be provided for in Section 3.6.5.2, where a lot having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-law, or where such a lot is created as a result of any expropriation by or conveyance to a Public Authority, or of any dedication required for site plan approval, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are met, and provided further that written approval of the sewage disposal facilities is obtained from the Ministry of Environment or its agent.”

The provision allows for the continued use of the existing lot and provided the lot frontage of the subject property is not altered, there is no need to recognize the existing non-compliance through the Minor Variance process. Only those elements of the proposed development that are being encouraged with “new” development on the property are required to be considered through the Minor Variance process.

The Health Unit has provided the following comments: “The Owners of 118 William street have proposed an addition which includes one half-bathroom. The proposed addition will not result in a change to the total daily design flow for the septic system. A new septic tank is required. The owners have applied for a permit to replace the septic tank. The Leeds, Grenville and Lanark District Health Unit has no objection to approving the proposed Minor Variance.

A survey has been provided by the applicants.

No other comments were received at the time of the writing of this report.

Planning Opinion – Four Test for Minor Variance

As expressed in the Village Official Plan, the Ontario Planning Act sets out four tests in the consideration of Minor Variance applications:

1. Does the development proposed maintain the general intent of the Official Plan?
2. Does the development proposed maintain the general intent of the Zoning By-law?
3. Is the variance desirable for the appropriate development or use of the land?
4. Is the variance requested minor?

The following is a review of these four tests against the requested to extend the existing 0.41 m side yard setback an additional 1.2 m to the south of the property. This is based on the assumption that the existing encroachment is legal.

Test 1: Official Plan

The Village of Merrickville-Wolford clearly supports the residential use of the subject lands. Provided the minor variance application can satisfy the four tests, the proposed development is deemed to conform to the Official Plan.

The proposed Minor Variance maintains the general intent and purpose of the Village Official Plan.

Test 2: Zoning By-law

The Village of Merrickville-Wolford Zoning By-law 23-08 identifies the property as being zoned for residential development. The only provision of the Zoning By-law not satisfied is the minimum side yard setback of 1.2 m along the easterly lot line. The existing dwelling is 0.41 m from the easterly side lot line and the proposal is to continue this setback with a new 1.2m X 2.7m addition.

The existing dwelling has a long established 0.41m setback from the easterly lot line and there does not appear to be any negative impacts on surrounding properties. The neighbouring property to the east appears to have a 5.4 m side yard setback to the shared lot line with the subject property. The Zoning By-law anticipates building separations of between 2.4 m and 6 m depending on design and configuration. The existence of 6 m combined side yard setback between the subject property and the dwelling to the east is very consistent with setbacks in the zoning by-law. The continuation of the 0.41 m side yard setback for the proposed addition will maintain the intent and purpose of the Zoning By-law and building separation.

The proposed Minor Variance maintains the general intent and purpose of the Village Zoning By-law.

Test 3: Desirable for the Appropriate Development or Use of the Land

The residential use of the subject property is desirable. Although not stated in the Official Plan, it is generally desirable for the retention and upgrading of existing dwellings as a means of maintaining an affordable housing stock. It is also desirable to intensify the use of existing property as stated in Section 3.10 of the Official Plan. Both these principles will be advanced with this proposed minor variance application.

The development is deemed desirable.

The proposed Minor Variance is desirable for the appropriate development of the subject land.

Test 4: Variance is Minor

The impact of continuing the 0.41m side yard setback and additional 1.2 m to the south to permit the squaring off the rear of the existing dwelling is deemed to have minimal



impact on surrounding properties. As noted above, there will continue to be approximately 6 m separation between the two dwellings that share the easterly lot line. Provided the stormwater management issues identified by the CBO are addressed at the time of the issuing of the building permit and remove the existing dumping of stormwater on the abutting property to the east, the proposal minor variance will be minor in terms of its impact on surrounding properties.

The proposed Minor Variance is minor in terms of its impact.

For these reasons, it is my opinion that the proposed Minor Variance to continue the existing 0.41m side yard setback an additional 1.2 m south of the existing dwelling meets the four tests set out in the Planning Act and represents good land use planning.

Sincerely,

Jp2g Consultants Inc.

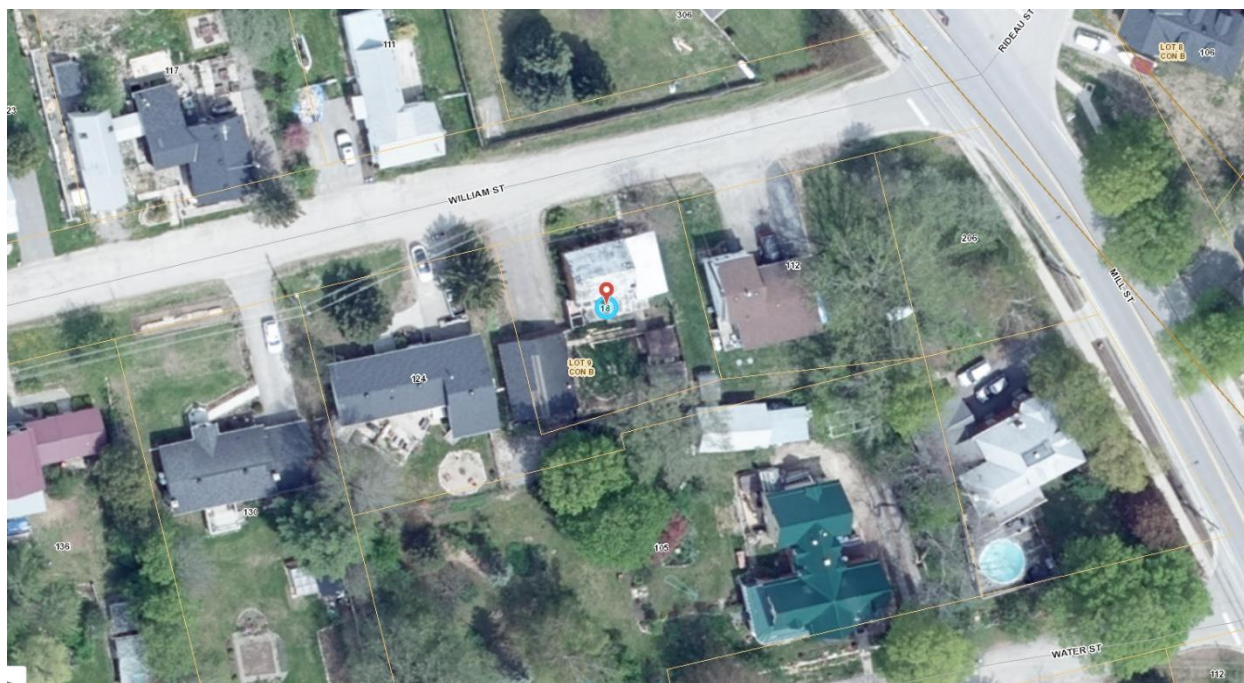
ENGINEERS • PLANNERS • PROJECT MANAGERS

Respectfully submitted:

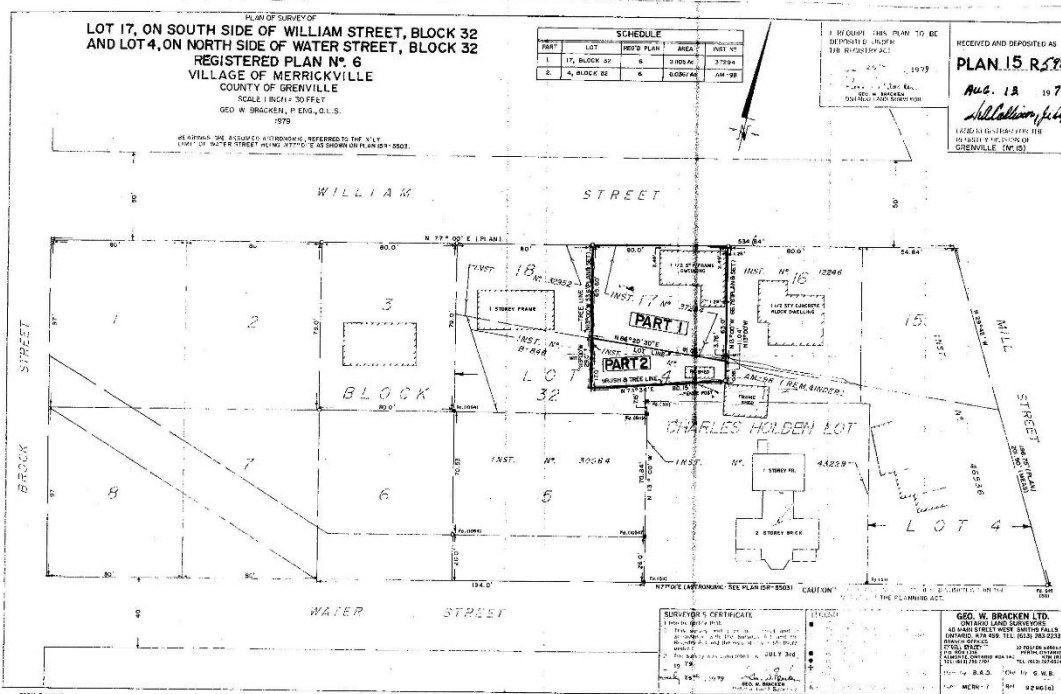
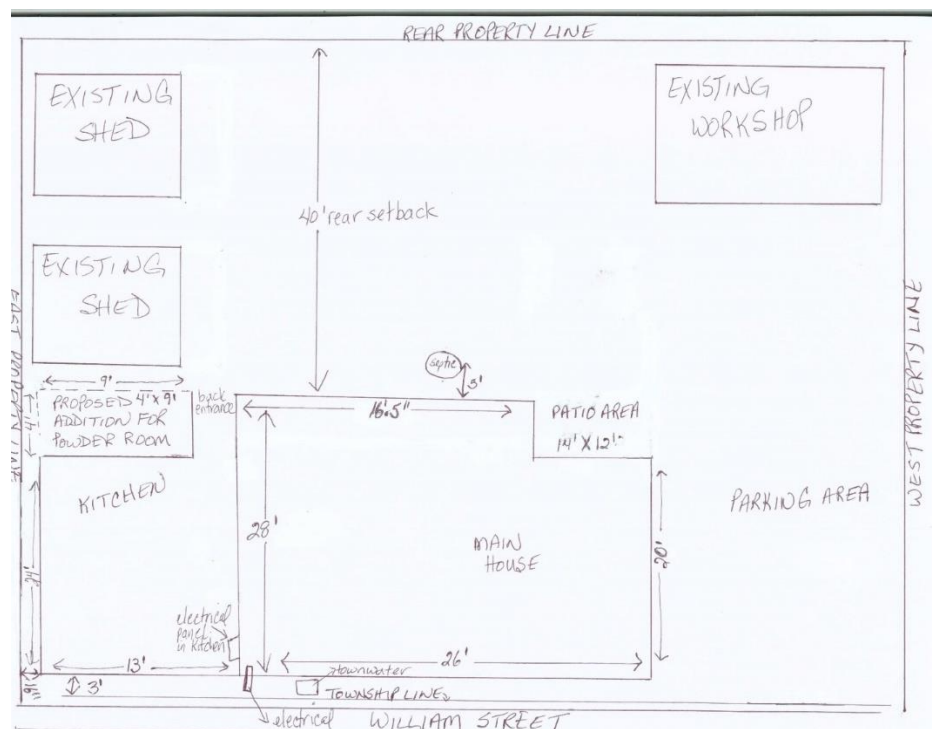
A handwritten signature in black ink, appearing to read 'F. Symon', with a long horizontal flourish extending to the right.

Forbes Symon, MCIP, RPP
Senior Planner

Map 1: Location of Subject Property



Map 2: Development Plan & Survey of Subject Property





VILLAGE OF MERRICKVILLE-WOLFORD

Notice of VIRTUAL Public Hearing

Application for Minor Variance

File No. A-03-2022

Section 45(1) of the Planning Act, 1990

IN THE MATTER of an application for minor variance with respect to the following:

Name of Owner(s): David Irish and Allan Irish
Location of Property: 12058 County Road 15, Village of Merrickville-Wolford
CON 8 PT LOT 19 RP 25R5847;PART 1

TAKE NOTICE that an application under the above file number will be heard (VIRTUALLY) by the Committee of Adjustment on the date and time shown below:

Date and Time: Tuesday, August 30, 2022 at 6:00 p.m.

Purpose of Application:

The request is to construct an extension to a proposed accessory structure (extension having dimensions of 6.1 m x 15.2 m (20' x 50')), where the proposed extension would be on the newly constructed accessory structure (garage) with dimensions of 9.1 m x 15.2 m (30' x 50'), to allow the applicant to store personal vehicles and equipment. The application requests relief from the Village of Merrickville-Wolford Zoning By-Law 23-08, as amended, Section 3.2.4, Accessory Structure Maximum Lot Coverage (140 square meters or 1,507 square feet). A building permit has been obtained for the construction of an accessory structure (garage) with dimensions 9.1 m x 15.2 m (30' x 50'), which complies with Section 3.2.4 of the zoning by-law. The applicant requests an extension of 6.1 m x 15.2 m (20' x 50') to the accessory structure. Subject site shown on Key Map below.

Official Plan: Designated Rural

Zoning: Rural (RU)

Additional information relating to the proposed minor variance is available for inspection on the Village website at www.merrickville-wolford.ca or by email request to cao@merrickville-wolford.ca

Any person may make written representation in support of or in opposition to the proposal. Written comments shall be submitted to the Clerk by mail to P.O. Box 340, Merrickville, ON, K0G 1N0, or by email to cao@merrickville-wolford.ca **no later than 12:00 p.m., noon, on August 30, 2022.** Written submissions will be provided to members of the Committee of Adjustment in advance of the meeting, if possible. All written submissions must clearly indicate “**12058 County Rd 15, MINOR VARIANCE, A-03-2022**” in the subject line of an email or letter submission. In addition, live comments may be submitted during the virtual public hearing **beginning August 30, 2022 at 6:00 p.m. until meeting end.** The Clerk or Village representative(s) will verbally read out written deputations and live comments during the virtual hearing at the time the application is considered. You are entitled to attend this public hearing virtually.

If you wish to attend you must register in advance by email to cao@merrickville-wolford.ca or mail to P.O. Box 340, Merrickville, ON, K0G 1N0 to be received **no later than 12:00 p.m., noon, on August 30, 2022.** Upon registration, you will receive details on how to join the Virtual Public Hearing.

To Observe only, Visit the Village Council's YouTube Channel:

https://www.youtube.com/channel/UC_OEkw3yIMarGSHGeNecrQg

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance, does not make written submissions to the Committee of Adjustment before a decision is made, the Ontario Land Tribunal may dismiss the appeal. If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed Minor Variance, you must make written request to the above address.

Dated this 18th day of August 2022
Doug Robertson, CAO/Clerk

KEY MAP



12058 County Rd 15, Merrickville-Wolford
Subject site outlined in blue above

Established 1793
Incorporated
Welford 1850
Merrickville 1860
Amalgamated 1998



Telephone (613) 269-4791
Facsimile (613) 269-3095

\$750 + dip

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD
Application for Minor Variance or Permission

July 27/22
Sooke to
Dave (Foster)

1. Property Owner's Name:

Address:

Postal Code:

e-mail:

Telephone: Home:

Cell:

Work:

Fax:

Allan Tr's 4
12058 County Rd 15
K0G 4 R0

2. Applicant/Agent Name:

Address if different from Owner:

Postal Code:

e-mail:

Telephone: Home:

Cell:

Work:

Fax:

Same

Same

Same

3. Name and address of any mortgages, holders of charges or other encumbrances of the subject lands:

Paid For

4. Legal Description of Property: Former Municipality

Lot(s):

Lot(s):

Part(s):

Street Address:

Roll Number:

19

Concession:

Registered Plan:

Reference Plan:

RP 25R5947

12058 County Rd 15 North Augusta

07-14711-025-10405

Survey Attached

Yes/No

5. Are there any easements or restrictive covenants affecting the subject property?

Yes/No

6. If yes, please describe the easement or covenant:

None

7. Dimensions of lands affected:

Frontage:

Depth:

Area:

Width of Street:

200'

220'

1.07 acres

21' one side of Rd to the other

8. Nature and extent of relief applied for:

Maximum Lot Coverage: at the Village coming by-law (max is 1,507.59 ft)
Cer port 50' across, 20' long. Seeking relief from section 3.2.4 (accessory structure)

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



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Facsimile (613) 269-3095

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

9. Why is it not possible to comply with the provisions of the By-Law?
Pulling 3 vehicles, 16' trailer, lawn mower, etc. Father's well Drilling Rig it needed back space on vehicles (personal use) Not being used as a business, Personal use only.
10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
Parcel at 1255 County Rd 15 is designated Rural in the Village Official Plan.
11. Existing Village of Merrickville-Wolford Zoning of the land:
Parcel is zoned Rural in the Village zoning by-law
12. Existing County Official Plan Designation:
Parcel is designated Rural in the Counties Official Plan
13. Other applications submitted with this application:
Official Plan Amendment ☐ Consent ☐ Zoning ☐ Plan Of Subdivision ☐
14. Have the subject lands ever been the subject of an application for an official plan amendment, zoning amendment, minor variance or site plan control?
Yes ☐ (please provide details below) None
15. Existing use of subject property and length of time this use has continued on the subject property if known please provide length of time that the existing use has continued:
Residential home 12 years
16. Description of all buildings and structures on or proposed for the subject lands (specify ground floor area, gross floor area, number of storeys, width, length, height of buildings as well as distance from side, rear and front lot lines):
Bungalow 1100 Sq. Ft
- Existing: *Building Inspector Has Plan*
- Proposed: *50' long 30' long building carport For New Build As Well As Plat Plan*
- 50' wide 20' long car port.
17. Date of construction of all buildings and structures on subject lands: *25 Years Ago*
18. Does this application require demolition of an existing building? Yes ☐ No ☒
If yes, please specify: _____

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Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



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THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

19. Number of Parking Spaces
Number of Existing: 2 Number of Proposed: 0
20. Type of access to the lands and name of road: County Rd 15
- | | | | |
|---------------------------|------------|-------------------------|--------------------------------|
| Provincial Highway | <u>Yes</u> | <u>County Road</u> | <u>Yes</u> <u>County Rd 15</u> |
| Year-Round Municipal Road | <u>Yes</u> | Seasonal Municipal Road | <u>NO</u> |
| Unopened Road Allowance | <u>NO</u> | Private Right-of-Way | <u>NO</u> |
| Water Access | <u>NO</u> | Other, please specify | <u>NO</u> |

21. Services currently available, or to be available:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Septic
Existing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. Are Stormwater Sewers present? Yes ☐ No ☒ Proposed ☐

23. Are there any of the following uses or features on the subject lands or within 500 metres of the subject property? NO

Use or Feature	On Subject Land	Within 500 Metres
----------------	-----------------	-------------------

An agriculturally designated area	<u>NO</u>	<u>NO</u>
A livestock facility (ie. Barn) or manure storage facility	<u>NO</u>	<u>Yes old Barn, not in use or No live stock used.</u>
A landfill site (active or closed)	<u>NO</u>	<u>NO</u>
A sewage treatment plant/lagoon	<u>NO</u>	<u>NO</u>
An industrial use	<u>NO</u>	<u>NO</u>
A licensed pit or quarry or an area designated for aggregate extraction	<u>NO</u>	<u>NO</u>
A mining hazard	<u>NO</u>	<u>NO</u>
An active railway line	<u>NO</u>	<u>NO</u>
A flood plain or other natural hazard	<u>NO</u>	<u>NO</u>
A natural gas or oil pipeline	<u>NO</u>	<u>NO</u>
A hydro easement	<u>NO</u>	<u>NO</u>
A contaminated site	<u>NO</u>	<u>NO</u>
A well head protection zone	<u>NO</u>	<u>NO</u>
A provincially significant wetland	<u>NO</u>	<u>NO</u>
An area of natural and scientific interest (ANSI)	<u>NO</u>	<u>NO</u>
Fish/Wildlife Habitat	<u>NO</u>	<u>NO</u>
A designated heritage property	<u>NO</u>	<u>NO</u>

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Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



Telephone (613) 269-4791
Facsimile (613) 269-3095

602 8251

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

MUST BE COMPLETED IN THE PRESENCE OF A "COMMISSIONER". THE MUNICIPAL CLERK IS AN AUTHORIZED COMMISSIONER.

I, Allan Irish of the Village of Merrickville in the United Counties of Leeds Grenville, hereby solemnly declare that the information contained in this application are on the attached plan and any associated information submitted with this application are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application.

There is a minimum NON-REFUNDABLE fee of \$500.00 (Charges incurred or disbursements over this amount shall be charged to the applicant, plus the costs charged by outside agencies.)

Date: July 29/22

Signature of Owner: Allan Irish

Signature of Agent or Applicant: Allan Irish

DECLARED BEFORE ME AT THE Village OF Merrickville IN THE County OF Leeds Grenville, THIS 29 DAY OF July, 2022

Kristen Rahm
Treasurer, Commissioner
The Village of Merrickville-Wolford

A COMMISSIONER, ETC: Kristen Rahm

FREEDOM OF INFORMATION/ACCESS TO PROPERTY CONSENT OF OWNER

I, Allan Irish, being the registered owner of the lands subject of this application for minor variance, and for the purposes of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application. I also authorize and consent to representatives of the Village of Merrickville-Wolford, and the persons and public bodies conferred with under Section 45 (5) of the Planning Act, entering upon the lands subject of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of this application.

July 15/22
Date

Allan Irish
Owner's Signature



Application for MINOR VARIANCE AMENDMENT

Declarations

I, Allan Irish being the registered property owner(s) of the property that is the subject of this application for Minor Variance Amendment, do hereby understand and consent to forthwith pay any and all additional costs associated with the processing of this application. Failure to do so will result in cancellation of processing the application and/or all fees may be added to the assessment rolls of the affected property.

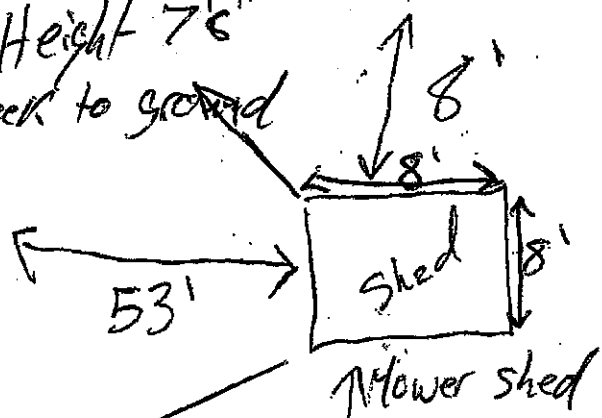
Allan Irish
Owner (print name)

Allan Irish
Signature

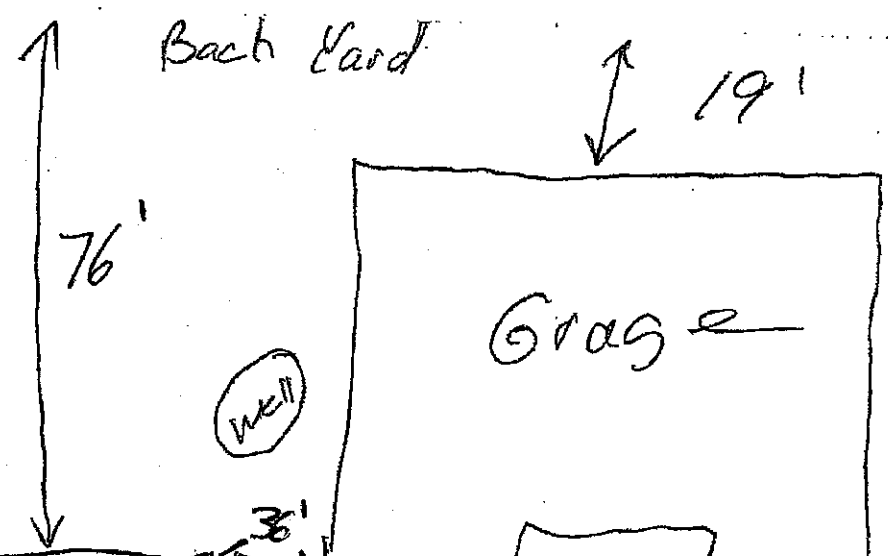
July 15/22
Date

July 15/22
Date

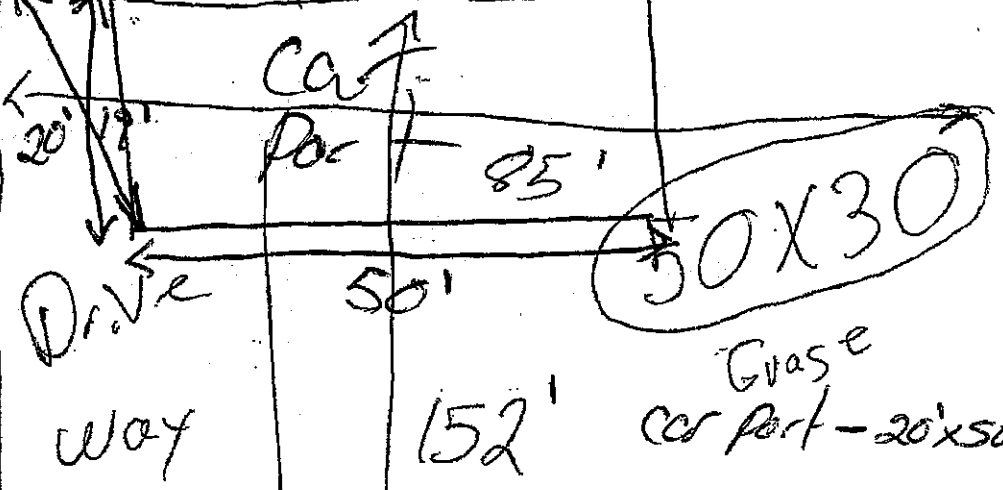
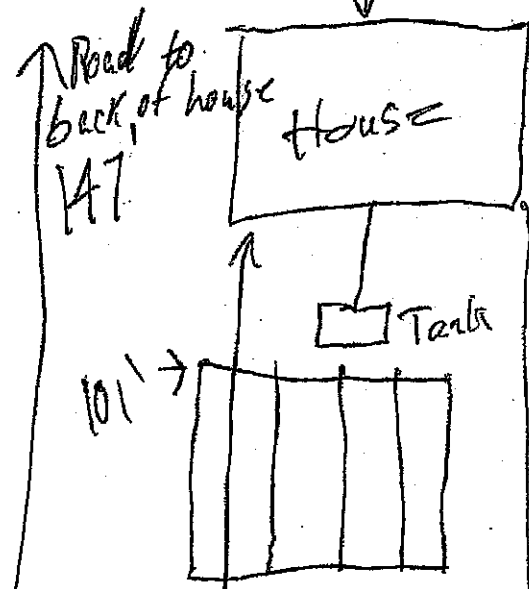
- Height 7'6"
Peak to ground



Can be moved,
not permitted.
Built on runners



Lot Line
Sides
214'
Peg to peg
14'

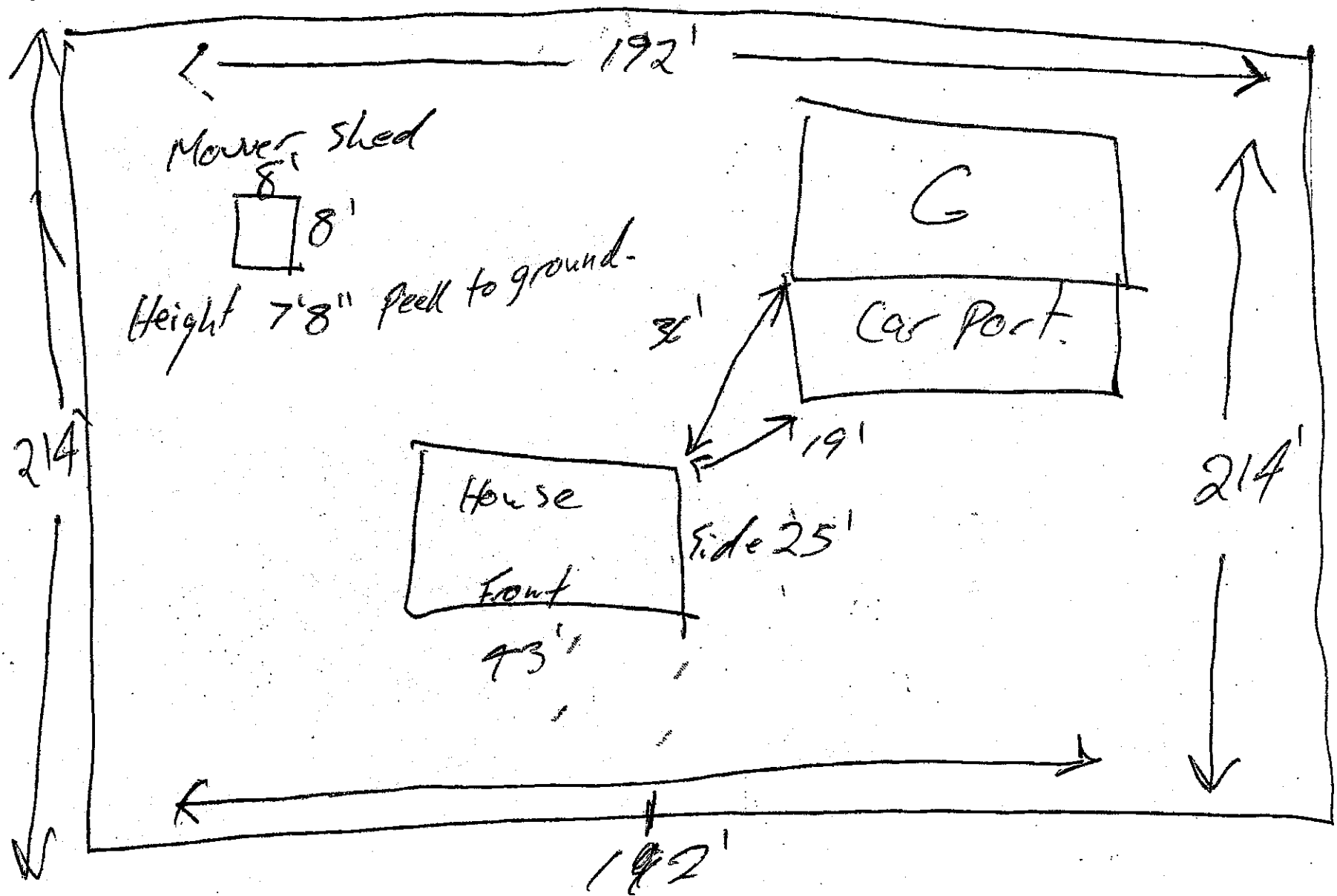


Lot Line
Front
192' Peg to Peg

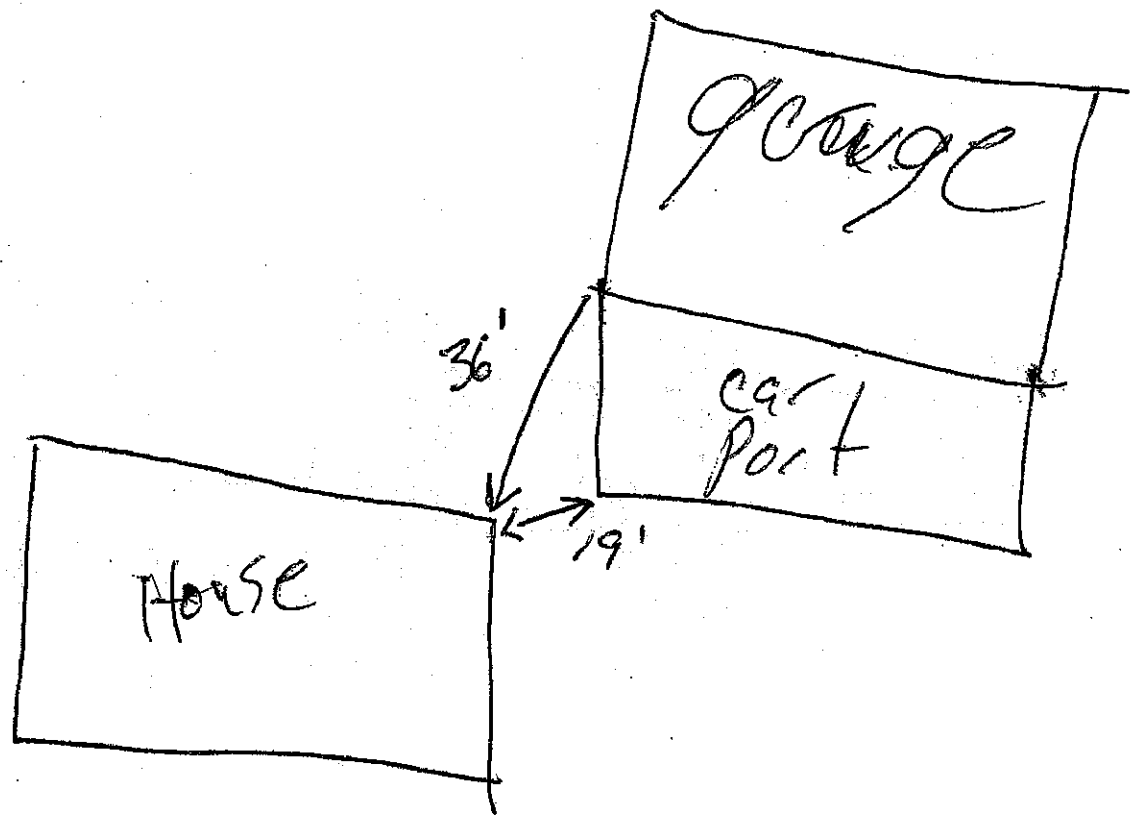
Back 121'

Road

Plot
Plan
12056
County Rd
15
Allan Irish



Allan's Drawing
Aug 11



Aug 11



3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504
F 613-692-0831 | www.rvca.ca

22-MWO-MVA-0039 & A-03-2022

August 24, 2022

Village of Merrickville-Wolford
317 Brock Street W
P.O. Box 340,
Merrickville, ON
K0G 1N0

Attention: Stacie Lloyd/Doug Robertson

**Subject: David Irish and Allan Irish
12058 County Road 15, Village of Merrickville-Wolford
CON 8 PT LOT 19 RP 25R5847;PART 1**

Dear Ms. Lloyd/Mr. Robertson,

The Rideau Valley Conservation Authority within the context of:

- Section 1.6.6 Stormwater, 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazard of the Provincial Policy Statement (PPS 2020) under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses"), Regulation 174-06 under Section 28 of the Conservation Authorities Act.

The Proposal

The request is to construct an extension to a proposed accessory structure (extension having dimensions of 6.1 m x 15.2 m (20' x 50')), where the proposed extension would be on the newly constructed accessory structure (garage) with dimensions of 9.1 m x 15.2 m (30' x 50'), to allow the applicant to store personal vehicles and equipment. The application requests relief from the Village of Merrickville-Wolford Zoning By-Law 23-08, as amended, Section 3.2.4, Accessory Structure Maximum Lot Coverage (140 square meters or 1,507 square feet). A building permit has been obtained for the construction of an accessory structure (garage) with dimensions 9.1 m x 15.2 m (30' x 50'), which complies with Section 3.2.4 of the zoning by-law. The applicant requests an extension of 6.1 m x 15.2 m (20' x 50') to the accessory structure.

Official Plan: Designated Rural
Zoning: Rural (RU)

The Property

This property is a square in shape and is approximately 1.05 acres in size. The lot is flat and mostly open lawn with mature trees along the south-east lot line of the property.

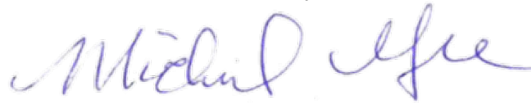
RVCA Comments and Recommendations

In this application there are no significant impacts to adjacent natural features. The property is located outside the 120m adjacent lands to Provincially Significant Wetlands to the west and Significant Woodlands to the east and west. No RVCA Section 28 permit is required as the proposed development is outside the any RVCA regulated lands.

In conclusion, the RVCA does not object to the approval of the minor variance as presented. In this application. Thank you for the opportunity to comment.

Please do not hesitate to contact the undersigned should you have any questions. Please advise the RVCA on the committee's decision regarding this application or of any changes in its status.

Yours truly,



Michael Yee
Environmental Planner, RVCA
613-692-3571 X 1176

Cc - David Irish and Allan Irish (Owner)
 - Emma Bennett, Nick Fritzsche (RVCA)

From: MacNeil, Ben <Ben.MacNeil@healthunit.org>
Sent: Thursday, August 25, 2022 3:58 PM
To: Economic Development Officer <edo@Merrickville-wolford.ca>; Carpenter, Nancy <Nancy.Carpenter@healthunit.org>
Cc: Julia McCaugherty-Jansman <deputyclerk@Merrickville-wolford.ca>
Subject: RE: Minor Variance Applications A-02-2022 and A-03-2022 - Notice of Public Hearing (virtual) - August 30/22 at 6 pm - Merrickville-Wolford

Hello Stacie,

Am writing to provide comments regarding Mjnr Variance Applications A-02-2022 and A-03-2022.

A-03-2022

The Owner of 12058 County Road 15 has proposed an addition to an existing garage with no finished living space or plumbing fixtures. The addition is outside of the minimum clearance distance to the septic system. The Leeds, Grenville and Lanark District Health Unit has no objection to approving the proposed Minor Variance

Regards,

Ben MacNeil
Public Health Inspector
Leeds, Grenville and Lanark District Health Unit
458 Laurier Blvd., Brockville, ON K6V 7A3 613-345-5685<<tel:613-345-5685>>



August 24, 2022

Village of Merrickville-Wolford
317 Brock Street West
P.O. Box 340
Merrickville, ON K0G 1N0

Attention: Doug Robertson, CAO/Clerk

**Re: Planning Report: Minor Variance A-03-2022 (Irish)
12058 County Road #15, Pt Lot 19, Con 8, Former Township of
Wolford, Village of Merrickville-Wolford**

Please accept the following Planning Report summarizing the nature and effect of the minor variance application before the Committee of Adjustment for 12058 County Road #15 in the former Township of Wolford. The Report also summarizes relevant planning policy and provides a professional planning opinion on the merits of the application.

Purpose and Effect

The request is to construct an extension to a proposed accessory structure (extension having dimensions of 6.1 m x 15.2 m (20' x 50')), where the proposed extension would be on the newly constructed accessory structure (garage) with dimensions of 9.1 m x 15.2 m (30' x 50'), to allow the applicant to store personal vehicles and equipment. The application requests relief from the Village of Merrickville-Wolford Zoning By-Law 23-08, as amended, Section 3.2.4, Accessory Structure Maximum Lot Coverage (140 square meters or 1,507 square feet). A building permit has been obtained for the construction of an accessory structure (garage) with dimensions 9.1 m x 15.2 m (30' x 50'), which complies with Section 3.2.4 of the zoning by-law. The applicant requests an extension of 6.1 m x 15.2 m (20' x 50') to the accessory structure.

Description of Development

The applicant owns a 0.4 ha (1 acre) lot in the southern extent of the Township, fronting on County Road #15. The property is currently occupied by a single detached dwelling and is supported by a private well and septic system.

The proposal is to construct a 9.1m X 15.2m accessory outbuilding on the property which also includes a 6.1m X 15.2 m covered storage area. In total the accessory structure will be 232 m² (2,500 ft²) in size, exceeding the 140 m² maximum size for an accessory structure in the rural area. It is the covered storage area of the accessory structure that requires approval from the Committee of Adjustment. The main walled component of the proposed accessory structure is consistent with the provisions of the Zoning By-law for accessory structures in the rural area.



The applicant has indicated that the larger size of accessory structure is required for storage of vehicles, a trailer, lawn mower, father's well drilling rig (if required) and space to work on personal vehicles. He stressed that the building will not be used for a business and is only intended for personal use.

Site and Surrounding Land Use

The subject property is located in southern extent of the Village, approximately 240 m north of Augusta Township. The property has approximately 61 m (200ft) of frontage on County Road #15 and a depth of 67 m (220 ft) for an area of approximately 0.41 ha (1 acre). The subject property is one of several severed lots fronting on County Road #15 in this area. The lots vary in size but are generally occupied by single detached dwellings and related accessory structures. The property is developed on private well and septic system (Map 1).

Existing Official Plan and Zoning

The subject property is designated "Rural" in the Village of Merrickville-Wolford Official Plan. This designation permits a wide range of uses including single detached dwellings. Section 3.10.2 of the Official Plan sets out the policies for consideration of minor variance requests. The policies read:

- "1. Section 45 of the Planning Act concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of the Zoning By-law, provided the minor variance(s) is desirable for the appropriate development or use of the land building or structure, and provided the general intent and purpose of the Official Plan and Zoning By-law are maintained."

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property "Rural (RU)" which permits the single detached use of the property. Section 3.2 sets out the regulations for accessory structures within the Village. Specifically, Section 3.2.4 limits the lot coverage for accessory structures to 10% of the lot area or 140 m² (1,507ft²) whichever is lesser. The proposed accessory structure will be roughly 232 m² (2,500 ft²), exceeding the maximum size set out in the Zoning By-law, thus the need for the minor variance to permit the proposed accessory structure.

Comments

No other comments were received at the time of the writing of this report.

Planning Opinion – Four Test for Minor Variance

As expressed in the Village Official Plan, the Ontario Planning Act sets out four tests in the consideration of Minor Variance applications:



1. Does the development proposed maintain the general intent of the Official Plan?
2. Does the development proposed maintain the general intent of the Zoning By-law?
3. Is the variance desirable for the appropriate development or use of the land?
4. Is the variance requested minor?

The following is a review of these four tests against the requested to establish a 232 m2 accessory structure on the subject property.

Test 1: Official Plan

The Village of Merrickville-Wolford supports the residential use of the subject lands and associated accessory structure. Provided the minor variance application can satisfy the four tests, the proposed development is deemed to conform to the Official Plan.

The proposed Minor Variance maintains the general intent and purpose of the Village Official Plan.

Test 2: Zoning By-law

The Village of Merrickville-Wolford Zoning By-law 23-08 identifies the property as being zoned for rural development which includes the existing residential use of the property. The request to increase the maximum size of an accessory structure from 140 m2 to 232 m2 brings with it concerns for the use of the structure. The potential for large accessory structures to house commercial operations is a real concern. The applicant has indicated in their application that the use of the accessory structure is personal use and will not be used for a business. However, it was noted that the building could be used for the housing of a commercial vehicle which has the potential for the building to evolve into a contractor's yard type use.

Given the concerns with the potential commercial use of the accessory structure, it is recommended that there be a condition of the decision of the Committee of Adjustment to clearly establish the restriction on any future commercial use of the structure and that the building permit also clearly indicate that the structure is not to house any commercial operation.

The proposed Minor Variance maintains the general intent and purpose of the Village Zoning By-law.

Test 3: Desirable for the Appropriate Development or Use of the Land

The establishment of accessory structures on residential properties is a norm and expected. Large accessory structures in the rural area to house personal vehicles have been considered in the past subject to a valid justification and restrictions on future uses of the building. Provided restrictions on the commercial use of the structure is



established in the Committee's decision and the associated building permit, the proposed 232 m2 accessory structure could be considered desirable for the use of the property.

The proposed Minor Variance is desirable for the appropriate development of the subject land.

Test 4: Variance is Minor

The negative impact of 232 m2 accessory structure on the surrounding properties will be minor provided the use of the structure is restricted to personal use and does not involve any commercial activities, including the storage of commercial vehicles or materials. With this understanding established through the Committee's decision, the impact of the proposed 232 m2 accessory structure will be minor.

The proposed Minor Variance is minor in terms of its impact.

For these reasons, it is my opinion that the proposed Minor Variance to permit a 232 m2 accessory structure for personal use meets the four tests set out in the Planning Act and represents good land use planning.

Sincerely,

Jp2g Consultants Inc.

ENGINEERS • PLANNERS • PROJECT MANAGERS

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'F. Symon', with a long horizontal flourish extending to the right.

Forbes Symon, MCIP, RPP
Senior Planner

Map 1: Location of Subject Property



Map 2: Development Plan of Subject Property

