

Committee of Adjustment

Agenda

Monday, March 27, 2023 at 6:00 p.m.

Council Chambers

IMPORTANT NOTICE: This meeting will be held in person and will be open to the public in the Council Chambers. It will also be recorded and livestreamed electronically on the "Village of Merrickville-Wolford" YouTube channel accessible by clicking [here](#).

Live comments regarding the proposed minor variances may be submitted in person in Council Chambers or virtually as follows:

Online at: <https://us02web.zoom.us/j/88294629182>

Passcode: 802122

By Phone at: 1-647-558-0588

Meeting ID: 882 9462 9182

Passcode: 802122

- 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**
 - a) File No. A-01-2023: Application for Minor Variance – 130 Brock St West
 - b) File No. A-02-2023: Application for Minor Variance – 106 Wellington St West
- 6. Adjournment**



VILLAGE OF MERRICKVILLE-WOLFORD

Notice of Public Hearing

Application for Minor Variance

File No. A-01-2023

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): Paul and Lorraine Sutterlin

Location of Property: 130 Brock Street West, Village of Merrickville-Wolford
PLAN 6 PT LOT 29 PT LOT 41; RP 15R6905 PART 1

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

Date and Time: March 27th at 6:00 p.m.

Purpose of Application:

The request is to reduce the required setbacks for an accessory structure from 3 m (9.8') to 1.5m to permit the establishment of a new garage. 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, specifically the minimum 3 m (9.8') side yard setback. The proposal also involves the removal of an existing garden shed and an existing bike shed on the subject property. For the new garage, the applicant requests relief from the zoning by-law to have a 1.5m setback along the side and rear lot line of the proposed garage. Subject site shown on Key Map below.

Official Plan: Core Area within the Special Heritage Policy Area 2, Urban Area Boundary
Zoning: General Commercial (C1)

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 March 27, 2023.** 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 “**130 Brock Street West, MINOR VARIANCE, A-01-2023**” in the subject line of an email or letter submission. In addition, live comments may be submitted during the virtual public hearing **beginning March 27, 2023 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 March 27, 2023.** Upon registration, you will receive details on how to join the 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 6th day of March, 2023
Doug Robertson, CAO/Clerk

KEY MAP



130 Brock Street West, Merrickville-Wolford
Subject site outlined in blue above



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: Paul and Lorraine Sutterlin
Address: 130 Brock St. West, Merrickville ON
Postal Code: K0G1N0
e-mail: _____
Telephone: Home: Work:
Cell: Fax: _____

2. Applicant/Agent Name: _____
Address if different from Owner: _____
Postal Code: _____
e-mail: _____
Telephone: Home: _____ Work: _____
Cell: _____ Fax: _____

3. Name and address of any mortgages, holders of charges or other encumbrances of the subject lands:
TD Bank 1585 Merivale Rd, Ottawa

4. Legal Description of Property: Former Municipality Merrickville

Lot(s): _____ Concession: _____
Lot(s): _____ Registered Plan: 6
Part(s): Part of lots 29 and 41 Reference Plan: _____
Street Address: 130 Brock St. West, Merrickville
Roll Number: 07 14 714 010 12600 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:

7. Dimensions of lands affected: Frontage: 21.18m
Depth: 33.7m (east side) 33.72m (west side)
Area: 722.4m²
Width of Street: 12m

8. Nature and extent of relief applied for: The minor variance we are requesting is to be permitted residential setbacks (minimum 1.5m side and rear) for proposed garage, rather the C1



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

setbacks (3m). The setbacks in our proposal are shown on the attached site plans and are 1.524m side and rear.

9. Why is it not possible to comply with the provisions of the By-Law?

Conforming to the 3m setbacks would be undesirable aesthetically and practically. 3m setbacks would force the garage well into recreational & gardening yard space. Space behind and beside the garage would be essentially wasted. The proximity to the main dwelling would be less attractive visually than our proposal. Driveway alignment with garage would not be ideal.

10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
Core Area

11. Existing Village of Merrickville-Wolford Zoning of the land:
C1

12. Existing County Official Plan Designation:
Urban Settlement Area

13. Other applications submitted with this application:
Official Plan Amendment Consent Zoning Plan Of Subdivision

14. Have the subject lands every 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

Not to our knowledge

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:

Residence. Has been a residence for > 100 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):

Existing:
Main Dwelling

- Exterior dimensions shown on "detailed site plan"



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

- Ground floor area (interior) 125.75 m²
- Gross floor area (interior) 207.75 m²
- Height (highest 2 storey section) 7.28m – at mean level between eaves and ridge
- Distance from front lot line 1.63m
- Distance from rear lot line 22.51m

Wood shed (see attachment “detailed site plan”)

- Ground floor area 5.87 m²
- Gross floor area 5.87 m²
- Height 1.829m – at mean level between eaves and ridge
- Distance from front lot line 11.26m
- Distance from rear lot line 20.13 m

Tool shed (see attachment “detailed site plan”)

- Ground floor area 5.87 m²
- Gross floor area 5.87 m²
- Height 2.28m – at mean level between eaves and ridge
- Distance from front lot line 13.58m
- Distance from rear lot line 16.46m

Bike shed (see attachment “detailed site plan”)

- Ground floor area 4 m²
- Gross floor area 4 m²
- Height 1.829m – at mean level between eaves and ridge
- Distance from front lot line 17.55m
- Distance from rear lot line 14.59m

Garden shed (see attachment “detailed site plan”)

- Ground floor area 7.75m²
- Gross floor area 7.75m²
- Height 2.51m – at mean level between eaves and ridge
- Distance from front lot line 31.2m
- Distance from rear lot line 0m

Proposed: (Note wood shed and/or Tool shed could be demolished or moved if required as part of approving this minor variance application)

Main Dwelling

- Exterior dimensions shown on “detailed site plan”
- Ground floor area (interior) 125.75 m²
- Gross floor area (interior) 207.75 m²
- Height (highest 2 storey section) 7.28m – at mean level between eaves and ridge
- Distance from front lot line 1.63m
- Distance from rear lot line 22.51m

Wood shed (see attachment “detailed site plan”)

- Ground floor area 5.87 m²
- Gross floor area 5.87 m²
- Height 1.829m – at mean level between eaves and ridge
- Distance from front lot line 11.26m



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

- Distance from rear lot line 20.13 m
- Tool shed (see attachment "detailed site plan")
- Ground floor area 5.87 m²
 - Gross floor area 5.87 m²
 - Height 2.28m – at mean level between eaves and ridge
 - Distance from front lot line 13.58m
 - Distance from rear lot line 16.46m

New Garage (see attachment "detailed site plan")

- Ground floor area 54.4 m²
- Gross floor area plus 82.97 m² (includes storage loft area)
- Height 4.82m – at mean level between eaves and ridge
- Distance from front lot line 26.7m
- Distance from rear lot line 1.524m

17. Date of construction of all buildings and structures on subject lands:

Main dwelling 1862 with
south and east additions
in 1885

Garden Shed (not known
– likely 1980s)

Wood shed, Tool shed,
Bike shed – 1990s, exact
years not known

18. Does this application require demolition of an existing building? Yes X No

If yes, please specify: Garden shed and Bike shed will be demolished as part of this project



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

19. Number of Parking Spaces
 Number of Existing: _____ Number of Proposed: _____

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

Provincial Highway	_____	County Road	_____
Year-Round Municipal Road	X (Brock St. W)	Seasonal Municipal Road	_____
Unopened Road Allowance	_____	Private Right-of-Way	_____
Water Access	_____	Other, please specify	_____

21. Services currently available, or to be available:

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

22. Are Stormwater Sewers present? Yes X -on street 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	No	No
A livestock facility (ie. Barn) or manure storage facility	No	No
A landfill site (active or closed)	No	No
A sewage treatment plant/lagoon	No	No
An industrial use	No	No
A licensed pit or quarry or an area designated for aggregate extraction	No	No
A mining hazard	No	No
An active railway line	No	No
A flood plain or other natural hazard	No	No
A natural gas or oil pipeline	No	No
A hydro easement	No	No
A contaminated site	No	No
A well head protection zone	No	No
A provincially significant wetland	No	No
An area of natural and scientific interest (ANSI)	No	No
Fish/Wildlife Habitat	No	No
A designated heritage property	Yes, some elements of main dwelling	Yes several in village core

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

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

I, Paul Sutterlin of the Village of Merrickville, in the Province of Ontario, 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: Feb 1 2023

Signature of Owner: [Signature]

Signature of Agent or Applicant: _____

DECLARED BEFORE ME AT THE village OF Merrickville-Wolford IN THE County OF Leeds + Grenville, THIS 1 DAY OF February, 2023.
Kirsten Rahm
Treasurer, Commissioner
The Village of Merrickville-Wolford

A COMMISSIONER, ETC: [Signature]

FREEDOM OF INFORMATION/ACCESS TO PROPERTY CONSENT OF OWNER

I, _____, 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.

Feb 1 2023
Date

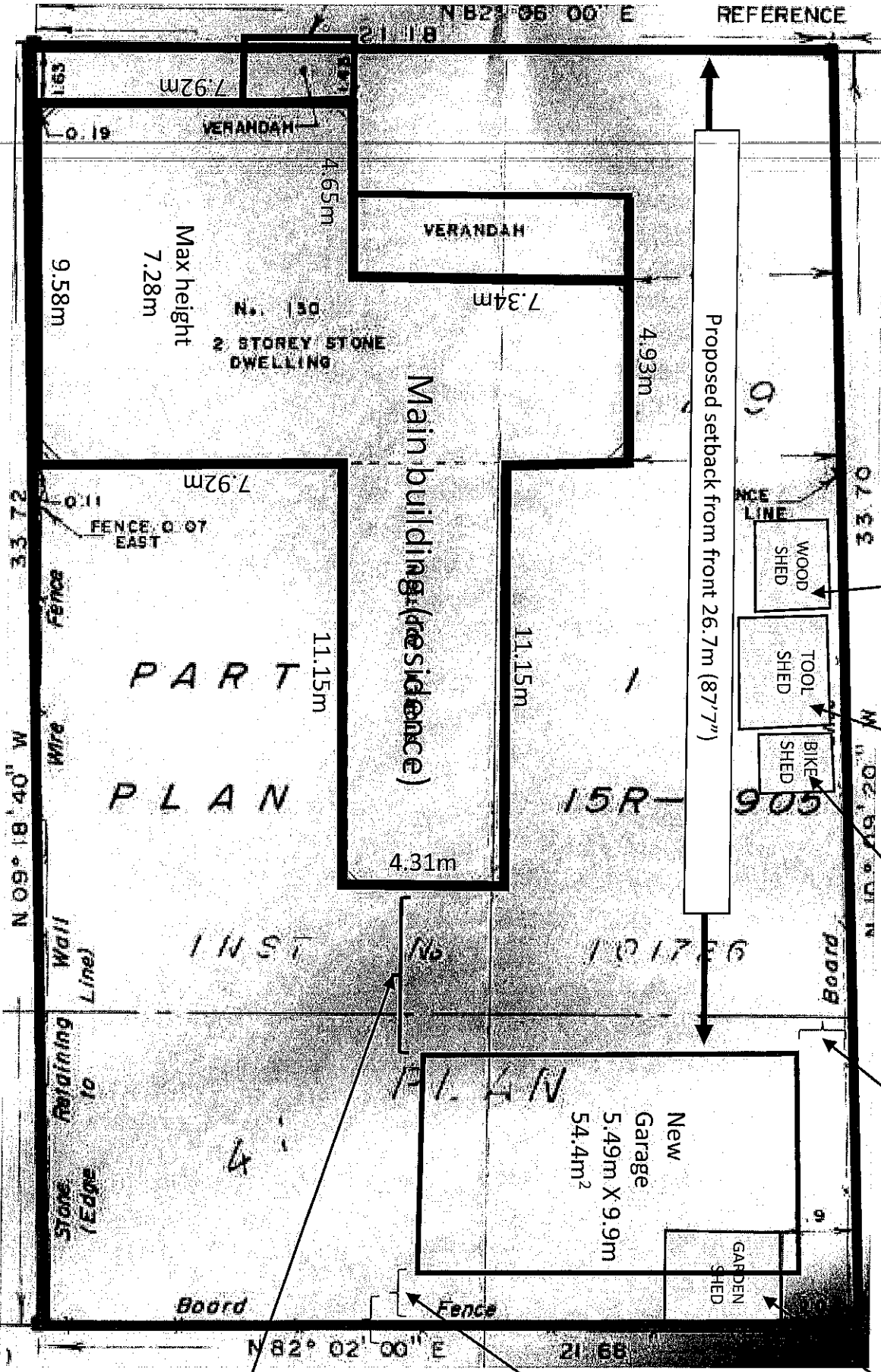
[Signature]
Owner's Signature

Total lot area = 722m²
 Total proposed accessory building
 area = 70.27m² or 9.73%

- WOOD SHED
2.54m x 2.31m
Height: 1.829m
5.87m²
- TOOL SHED
2.74m x 3.66m
Height: 2.28m
10m²
- BIKE SHED - TO BE DEMOLISHED
2.54m x 1.56m
Height: 1.829m
4m²

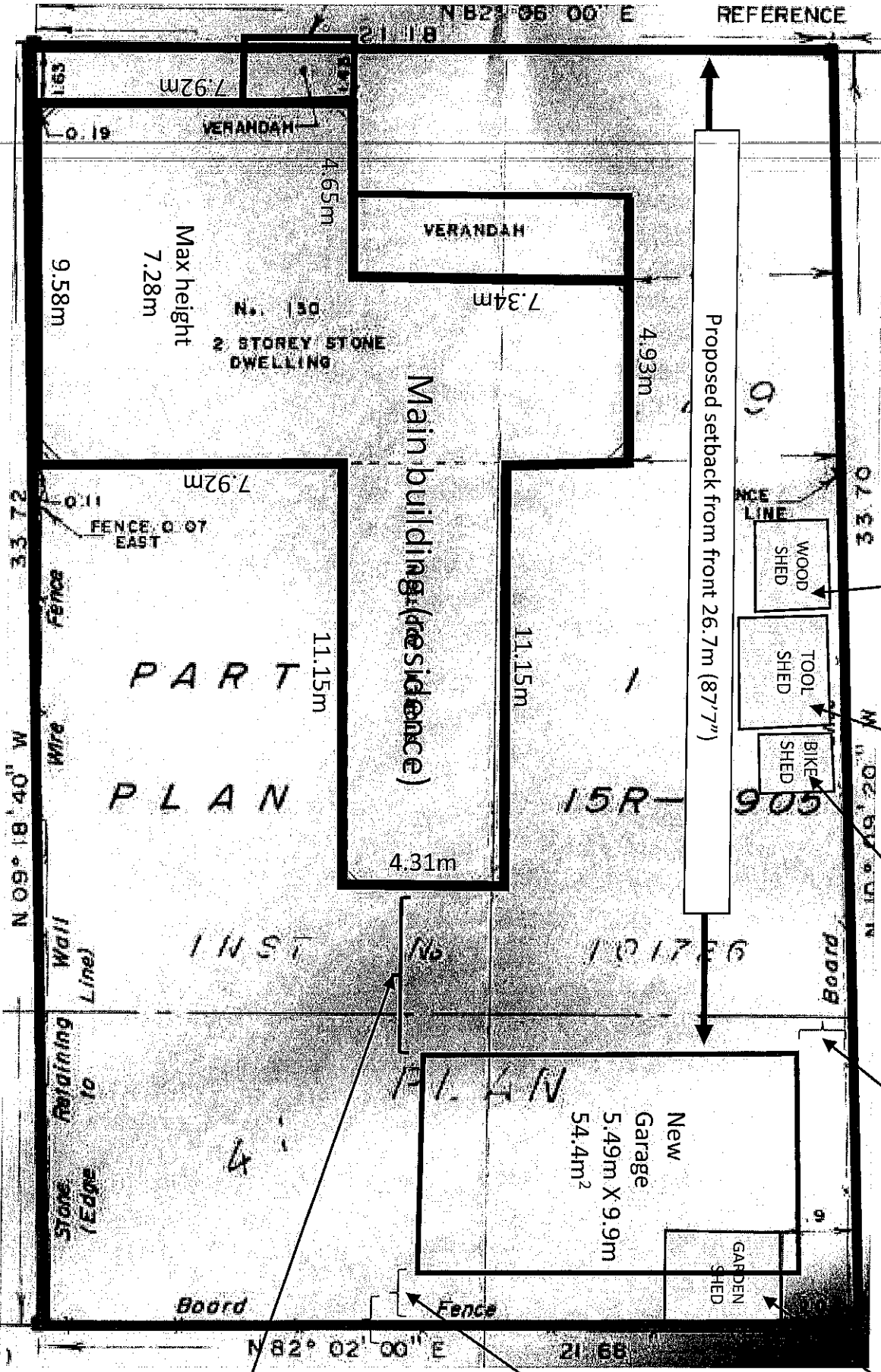
Proposed setback
1.524m

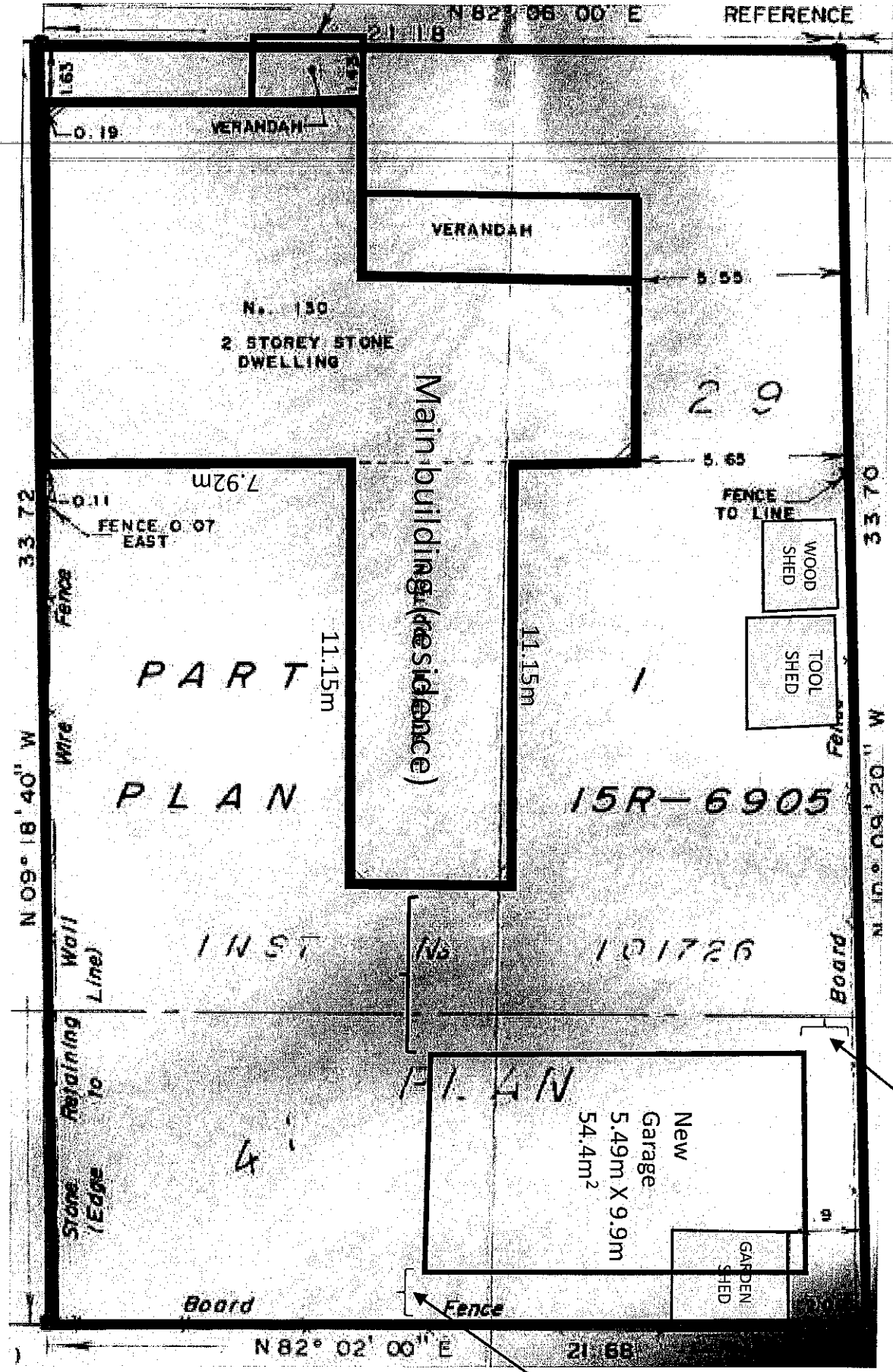
GARDEN SHED - TO BE DEMOLISHED
3.1m x 2.5m
Height: 2.52m
7.75m²



Proposed setback
1.524m

Proposed separation
4.11m





Proposed setback
1.524m

Proposed setback
1.524m



March 21, 2023

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-01-2023 (Sutterlin)
130 Brock Street West, 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 130 Brock Street West. The Report also summarizes relevant planning policy and provides a professional planning opinion on the merits of the application.

Purpose and Effect

The application requests relief from Merrickville-Wolford Zoning By-Law 23-08, as amended, to permit the construction of a detached garage which is to be 1.5 m (4.9 feet) from the side yard and rear yard lot lines. The property is located in the westerly portion of the Village and is located within the “General Commercial (C1)” zone which requires a 3 m side yard and rear yard setback for accessory structures. The request is to seek relief from Section 3.2.2(5) which requires the 3 m side and rear yard setback for accessory structures in a non-residential zone.

Description of Development

The subject property is approximately 7688 ft² (714 m²) in size with roughly 69.4 ft (21.18 m) of frontage on Brock Street West. The subject property is occupied by a single detached dwelling which is permitted under the C1 zoning. However, Section 3.2.2 (5) of the zoning by-law requires that accessory structures in a non-residential zone be 3 m from side and rear yard lot lines. All residential zones have a 1.5 m side yard and rear yard minimum setback for accessory structures. The application is requesting that the residential standard be applied to the proposed garage.

Site and Surrounding Land Use

The subject property is located just west of the St. Lawrence Street (Village Main Street) in a transition area where the majority of existing uses are low density residential in nature and not commercial. The lands abutting the subject property in all directions are low density residential.



The property is serviced with full municipal sewer and water services.

It is worth noting that there are currently four (4) small accessory structures on the subject property and that 2 of the 4 existing accessory structures will be removed.

Existing Official Plan

The subject property is designated “Core” in the Village of Merrickville-Wolford Official Plan (2006). Section 6.2.3.2, Core, Permitted Uses, includes recognition of residential uses as permitted.

The policies of Section 6.2.3.3 include the statement “In order to create a vibrant Core Area, Council will encourage residential uses in addition to the permitted commercial and public uses by permitting mixed-use commercial/residential buildings, by encouraging the rehabilitation and renovation of upper storeys of existing buildings for residential use, and by permitting residential development including intensification and redevelopment on the periphery of the Core Area.” This policy implies that the existing residential use of the subject property is permitted in this downtown core periphery area.

The existing and proposed use of the subject property is permitted under the Official Plan.

Existing Zoning

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property “General Commercial (C1)”. As such Section 3.2.2, Accessory Uses Location establishes a 3.0 m side yard and rear yard setback for accessory structures in a non-residential zone. The same section establishes a 1.5 m side yard and rear yard setback for accessory structures within a residential zone.

The request is to apply the residential 1.5 m setback on the subject property.

It is worth confirming that accessory structures cannot be used for profit or gain.

Comments

There were no comments of concern or objection 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 request to construct a detached accessory structure which is to be 1.5 m from the rear yard lot line and side yard lot line.

Test 1: Official Plan

The Village of Merrickville-Wolford clearly supports the residential use of the subject lands and associated accessory uses. 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 general commercial land uses, however existing residential uses are also legally recognized. Despite the residential use of the property the C1 zoning triggers the need for a 3 m side yard and rear yard setbacks, compared to the 1.5 m setback in residential zones.

The fact that the subject property and all abutting uses are low density residential suggests that the residential standard for accessory structure setbacks is appropriate.

In general, the proposed development maintains the intent and purpose of the Zoning By-law.

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 accessory detached garage structure is an accepted structural element of a typical residential property. The proposed accessory structure is deemed to be a desirable and appropriate use of the land and is consistent with the development within the area.

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

Test 4: Variance is Minor

The impact of the accessory structure on surrounding properties with a reduced yard setback will be minor. It is not anticipated that there will be a negative impact on any of the surrounding uses.



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 an accessory detached garage 1.5 m from the side and rear yards meets the four tests set out in the Planning Act and represents good land use planning.

It is recommended that the Committee's Decision be without conditions.

All of which is respectfully submitted,

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.

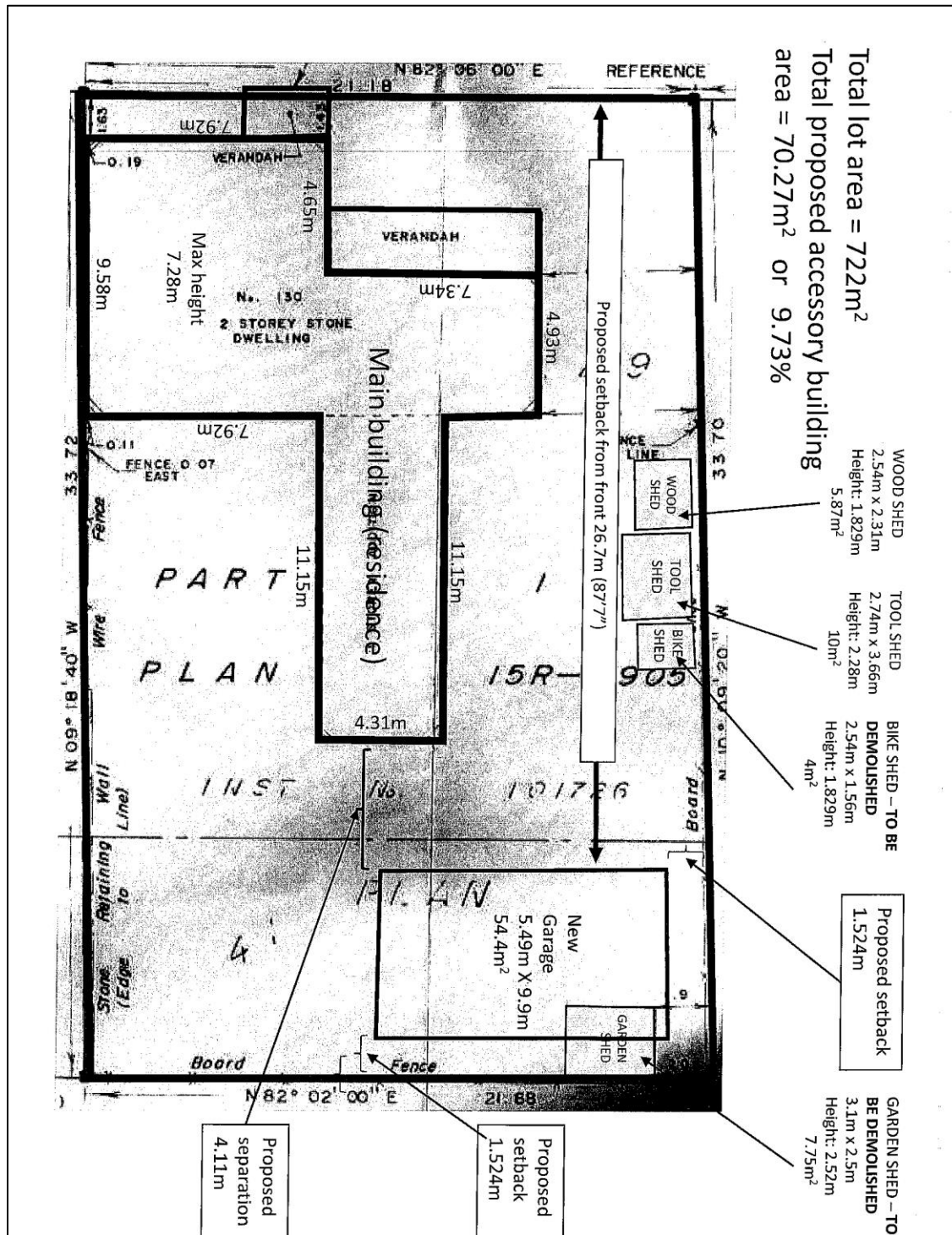
Forbes Symon, MCIP, RPP
Senior Planner

Map 1: Location of Subject Property



Subject Property

Plan 1: Proposed Accessory Location (Existing & Proposed)





VILLAGE OF MERRICKVILLE-WOLFORD

Notice of Public Hearing

Application for Minor Variance

File No. A-02-2023

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): Daniel Broadhead and Gemma Bonham-Carter

Location of Property: 106 Wellington Street West, Village of Merrickville-Wolford

PLAN 6 RANGE 3 PT LOT 6; RP 15R8427 PART 1

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

Date and Time: March 27th at 6:00 p.m.

Purpose of Application:

The request for a minor variance is to permit the establishment of four new residential units in an existing commercial building, resulting in a reduction of the required green space, reduction in the number of required parking spaces, and introducing the idea of compact car parking spaces. The proposal is to have 5 parking spaces at the subject property, including 2 of the parking spaces to be compact. The dimensions of the proposed parking spaces are 9.5 ft (2.8m) x 20 ft (6.09m) for regular, and 8.5 ft (2.59m) x 16.5 ft (5.02m) for compact. There is insufficient area on the property to support the current requirements for green space and parking, and the applicant is therefore seeking relief from the Merrickville-Wolford Zoning By-Law 23-08, as amended, as it relates to Section 3.25.

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

Zoning: General Commercial (C1)

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 March 27, 2023.** 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 **“106 Wellington Street West, MINOR VARIANCE, A-02-2023”** in the subject line of an email or letter submission. In addition, live comments may be submitted during the virtual public hearing **beginning March 27, 2023 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.

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https://www.youtube.com/channel/UC_OEkw3ylMarGSHGeNecrQg

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Dated this 6th day of March
Doug Robertson, CAO/Clerk

KEY MAP



106 Wellington Street West, Village of Merrickville-Wolford
Subject property outlined in blue above

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
Application for Minor Variance or Permission

FOR OFFICE USE ONLY
Date the Application was Received by the Village: _____

1. Property Owner's Name: 1375 8079 Canada Inc.
Daniel Brodhead + Gemma Bonham-Carter
Address: 545 Rowanwood Ave. Ottawa ON
Postal Code: _____
e-mail: _____
Telephone: Home: _____ Work: _____
Cell: _____ Fax: _____

2. Applicant/Agent Name: Daniel Brodhead
Address if different from Owner: _____
Postal Code: _____
e-mail: _____
Telephone: Home: _____ Work: _____
Cell: _____ Fax: _____

3. Name and address of any mortgages, holders of charges or other encumbrances of the subject lands:
Ken and Denise Large, 106 Wellington St W. Merrickville.

4. Legal Description of Property: Former Municipality
Lot(s): 6 Concession: _____
Lot(s): _____ Registered Plan: 15R8427
Part(s): 1 REG 5009.00SE Reference Plan: _____
Street Address: 106 Wellington St W.
Roll Number: 0714 714010 00500 Survey Attached: Yes / No
0000

5. Are there any easements or restrictive covenants affecting the subject property? Yes / No

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

7. Dimensions of lands affected: Frontage: 47.88'
Depth: 100.48'
Area: _____
Width of Street: _____

8. Nature and extent of relief applied for: Reduced green space,
reduced number of parking spots and introduction
of compact parking size

Established 1793
Incorporated
Wolford 1850
Merrickville 1850
Amalgamated 1998



Telephone (613) 269-4791
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?

There is insufficient area to support current requirements for green space and parking.

10. Existing Village of Merrickville-Wolford Official Plan designation of the land:

11. Existing Village of Merrickville-Wolford Zoning of the land:

12. Existing County Official Plan Designation:

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) 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:

Mixed commercial/residential 20+ 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):

Existing Brick/stone building, 2400 sqft per floor, 3 floors

Existing:

Main floor commercial, 2nd floor commercial + residential, 3rd floor storage ^{1 unit}

Proposed:

Main floor commercial, 2nd floor - 3 residential, 3rd floor - 2 residential

17. Date of construction of all buildings and structures on subject lands:

1900

18. Does this application require demolition of an existing building?

Yes No

If yes, please specify: _____

Established 1793
 Incorporated
 WOLFORD 1850
 Merrickville 1850
 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: 8 Number of Proposed: 5 (2 compact Size)

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

Provincial Highway _____ County Road _____
 Year-Round Municipal Road ✓ Wellington Seasonal Municipal Road _____
 Unopened Road Allowance _____ Private Right-of-Way _____
 Water Access _____ 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <i>mistake!</i>	<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	<u>no</u>	<u>no</u>
A livestock facility (ie. Barn) or manure storage facility	<u>no</u>	<u>no</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 (heritage zone)</u>

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

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

I, _____ of the _____ of _____, in the _____ of _____, 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: _____

Signature of Owner: _____

Signature of Agent or Applicant: _____

DECLARED BEFORE ME AT THE _____ OF _____ IN THE _____ OF _____, THIS _____ DAY OF _____, 20____.

A COMMISSIONER, ETC: _____

FREEDOM OF INFORMATION/ACCESS TO PROPERTY CONSENT OF OWNER

I, 13758079 Canada 10 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.

21 Feb 23
Date

Daniel Brodhead
Owner's Signature



Application for MINOR VARIANCE AMENDMENT

Declarations

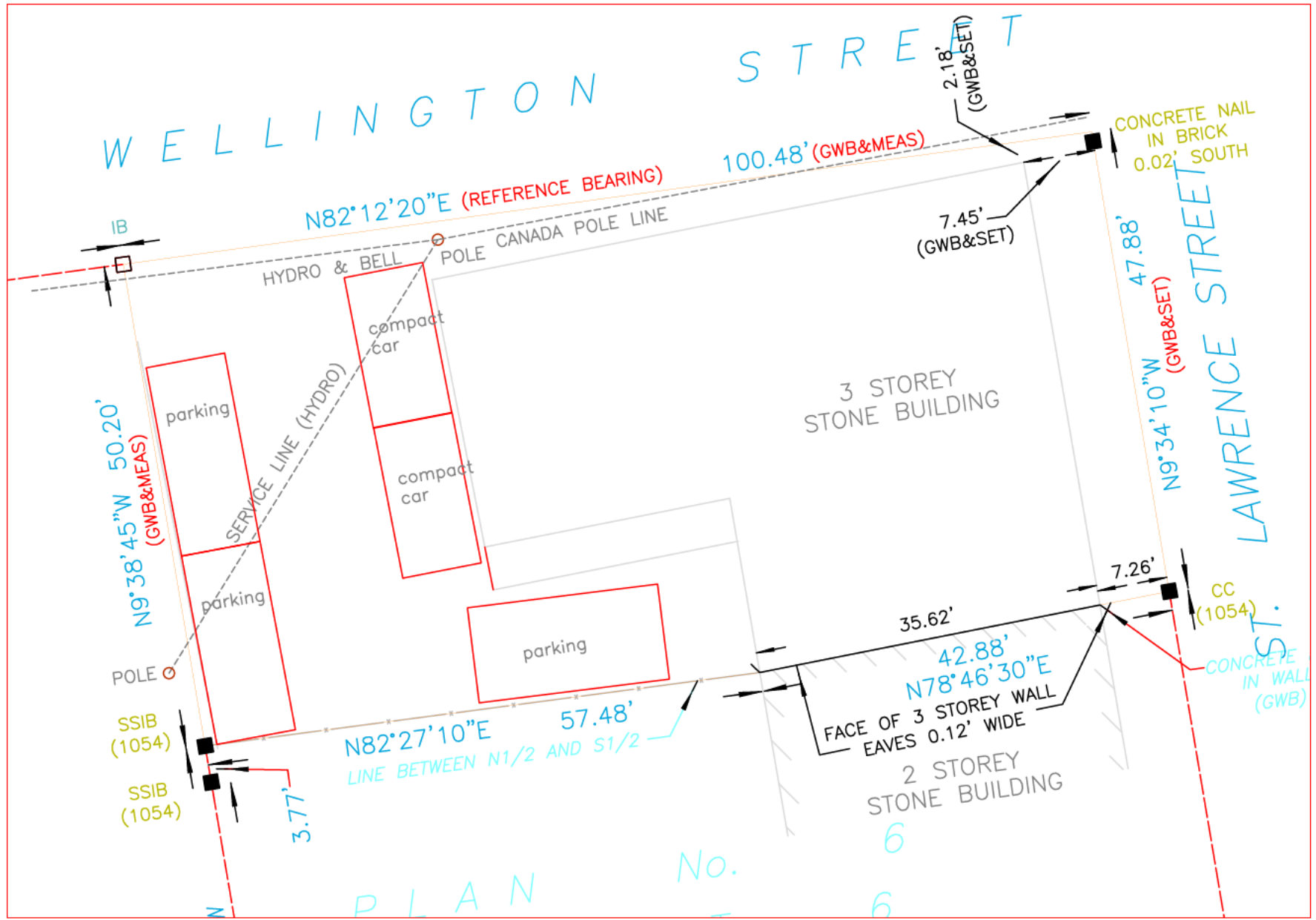
I, 13758079 Canada INC being the registered property owner(s) of the property that is the subject of this application for Minor Variance Amendment, do hereby understand and consent to forthwith pay any and all additional costs associated with the processing of this application. Failure to do so will result in cancellation of processing the application and/or all fees may be added to the assessment rolls of the affected property.

Daniel Brodhead
Owner (print name)

[Handwritten Signature]
Signature

21 Feb 23
Date

Date





March 21, 2023

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-02-2023 (Brodhead/Carter)
106 Wellington Street, 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 106 Wellington Street, Village of Merrickville. The Report also summarizes relevant planning policy and provides a professional planning opinion and recommendation on the merits of the application.

Purpose and Effect

The application requests relief from Merrickville-Wolford Zoning By-Law 23-08, as amended, to permit the conversion of the upper floors of the existing commercial building to include five (5) residential apartments. The existing building is three (3) storeys in height, with the first storey being used for commercial purposes, the second floor has one existing residential apartment and commercial space, and the third floor used for storage. The proposal is to convert the second floor into three residential units and the third floor into 2 residential units. The ground floor is to remain retail commercial.

The subject lands has limited ability to support on-site parking and open space. With the conversion of the two upper floors of the property to rental residential apartments, the applicant is requesting relief from the requirement to provide any landscaped open space on the property. The request also includes limiting the required on-site parking to five residential parking spaces, two of which are proposed at a “compact car” standard that is new to the Village. The proposal would not include any parking for the remaining commercial unit.

Description of Development

The subject property is approximately 4811 ft² (447 m²) in size with roughly 47.88 ft (14.59 m) of frontage on St. Lawrence Street and 100.48 feet (306 m) of frontage on Wellington Street. The subject property is a corner lot and is occupied by a three storey downtown commercial building facing St. Lawrence Street and vacant lands at the rear



of the building for parking. The first and second floors have commercial uses. The second floor also has an existing residential unit. The third floor is used for storage.

The proposal involves the conversion of the second floor to three residential apartments, and conversion of the third floor into two residential apartments. The existing first floor commercial space is to be maintained.

The site is relatively small and does not have the ability to provide the required 15m² of open space per residential unit in the C1 zone.

The zoning by-law requires that 1.25 parking spaces be provide per residential unit, total the need for 6 residential parking spaces. The By-law also requires that retail commercial use provide 4 parking spaces (this includes the 50% reduction permitted for non-residential uses in the downtown core – Section 3.25.3).

In total the zoning by-law would require a total of 10 parking spaces be provided on the property. The proposed redevelopment of the lands includes the provision of five (5) parking spaces, two of which are at a reduced size than set out in the By-law to be used for compact cars.

Site and Surrounding Land Use

The subject property is located at the southwest corner of St. Lawrence Street (Village Main Street) and Wellington Street. The property is a three-story building with existing storefront retail on the ground floor, commercial residential mix on the second floor and storage on the third floor.

The property is part of the built form of the historic downtown core of the Village of Merrickville. The abutting uses in all directions are commercial uses. The land directly to the west of the subject property is a municipally owned parking lot with approximately 10 parking spaces. It is also worth noting that the subject property is within 120 m of the main public parking lot along Main Street.

The property is serviced with full municipal sewer and water services.

Existing Official Plan

The subject property is designated “Core” in the Village of Merrickville-Wolford Official Plan (2006). Section 6.2.3.2, Core, Permitted Uses, states that “the Core Area is intended to include the institutional, public and residential uses, as well as the commercial uses, that are typically found in a downtown.”

One of the more significant OP policy for the downtown commercial core is found in Section 6.2.3.3 (6) which reads as follows:



“In order to create a vibrant Core Area, Council will encourage residential uses in addition to the permitted commercial and public uses by permitting mixed-use commercial/residential buildings, by encouraging the rehabilitation and renovation of upper storeys of existing buildings for residential use, and by permitting residential development including intensification and redevelopment on the periphery of the Core Area. In the case of mixed-use commercial and residential buildings, commercial uses should generally not be located above residential uses.”

This policy clearly establishes the proposed development as desirable intensification within the downtown core. This policy would suggest that the staff and Council need to work with proponents looking at investing in the downtown core and introducing much needed rental accommodations within the upper stories of the downtown.

The Core Area policies also contains policies related to parking. Section 6.2.3.3 (9) states that:

“Council shall determine an appropriate standard for private off-street parking in the Core Area and may accept cash-in-lieu of parking where there is insufficient land to provide on-site parking. Where Council accepts cash-in-lieu of parking, the money collected shall be used exclusively to provide additional public parking.”

This policy anticipates that the provision of parking spaces for redevelopment within the downtown core can be challenging and provides an option to Council to permit development without sufficient parking to pay into a community parking fund and permit development to proceed.

It should also be noted that Section 9.4.2, Site Plan Control Area indicates that all non-residential development is subject to site plan control.

Existing Zoning

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property “General Commercial (C1)”. As such Section 6.1.1 of the C1 zone permits residential units in the upper story of non-residential buildings, consistent with the Official Plan policies noted above.

The regulations for residential development within the C1 zone, triggers the need to provide 161.5 ft² (15m²) of landscaped open space per residential unit.

The applicant has indicated that there are no opportunities to introduce landscaped open space on the property given its size and historic foot print.

Section 3.25 establishes the parking standards and suggests that there is a need for 6 parking spaces for the proposed residential use of the property and 4 spaces for the



commercial use of the property. The applicant has indicated that there is room for five parking spaces on site, two of which are at a reduced size to support compact cars.

Two (2) of the five (5) parking spaces are proposed to be smaller than the required 2.75m x 5.75m standard parking space. It is becoming a more common occurrence in other jurisdictions for some parking spaces to be reduced in size and dedicated for “compact cars”. This is acceptable however there is need for the confirmation of the size of the compact units – accepted compact car standards are 2.4 m x 5.4 m.

Comments

There were no comments of concern or objection 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 request to establish five residential apartment units in an existing three storey commercial building within the Village’s downtown core.

Test 1: Official Plan

The Village of Merrickville-Wolford clearly supports the establishment of residential units in the upper storey of the existing structure within the downtown core. For many municipalities, the conversion of underutilized upper floors within downtown cores is a critical investment ensuring the vitality of the downtowns. 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 establishes the need to provide sufficient parking and landscaped open space for residential development. The



applicant is proposal no landscaped open space and a reduction in the number of parking spaces from 10 to 5 spaces, one for each of the residential units.

The subject property displays the typical space constraints of a downtown commercial property. To achieve the official plan goal of increased upper storey residential apartment units in the downtown a flexible approach to matters such as amenity space and parking is required.

The development proposal identifies a total of five on-site parking spaces, one for each residential tenant. The strict provision of the zoning bylaw parking standards indicates the need for a total of 10 parking spaces to support the development of the property – 6 spaces for residential and 4 spaces for commercial.

Ensuring that there is at least 1 parking space for every residential unit is the priority when assessing such development proposals. The limit on the number of parking spaces per residential unit is a matter that should be recognized in any tenant contract so that those renting the units understand the limitations.

The Village's zoning by-law already contains a 50% reduction of non-residential parking standards in the downtown core. The development proposal does not include any parking for the commercial unit. It is worth noting that the subject property is located in an area of the downtown which has an abundance of public parking. The property directly to the west is a municipal parking lot. There is also plenty of on-street parking and the main public parking lot along Main Street is within 120 m of the subject property. The commercial tenant and customers will be able to park in nearby public parking spaces.

The provision requiring open space or amenity space for upper floor apartments in the downtown core will be challenging for most proposals to redevelop the upper floors in the downtown core. It is worth noting that the subject property is located within 100 m of the Rideau Canal which offers an abundance of public open spaces associated with the Canal.

The goal of the Official Plan to encourage residential units in the upper floors of downtown commercial buildings is an extremely important policy to ensure vitality in the downtown core. To achieve this goal, compromise on open space and parking is typically required, as is the case with this proposal.

The reduction in the size of two of the parking spaces for “compact cars” is a trend that has been noted in other similar jurisdictions. Notwithstanding the need to confirm the size of the smaller parking spaces, this approach is generally acceptable.

Provide the proponent contributes cash-in-lieu of parking for the 4 commercial parking spaces and includes statements on apartment rental agreements about the limits on



residential parking spaces, it is felt that the proposed development will maintain the intent and purpose of the Zoning By-law to achieve orderly development.

There also may be an opportunity for the Village and the proponent to work collaboratively to redesign the public parking area abutting the subject property to maximize the use of the combined public/private parking areas. This may be where cash-in-lieu of parking funds could be spent.

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 apartments to be introduced into the upper floors of the downtown commercial building is strongly encouraged by the policies of the Official Plan. This proposal is the type of infill and intensification within the Village that should be encouraged and supported to address the lack of rental accommodation. The proposed residential apartments are deemed to be a desirable and appropriate use of the land.

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

Test 4: Variance is Minor

The impact of the residential units in the upper floor of an existing commercial building will generally have positive impacts on the vitality of the downtown core of the Village. There are no concerns with the lack of open space provided on the property given the abundance of public open space within 100 m of the property associated with the Rideau Canal. The lack of parking has the potential to provide negative impacts with overflow parking spilling into the surrounding streets. However, provide one parking space is dedicated to each residential unit and the rental agreements for the units stipulate the parking limitation, the impact should be minor. Such impacts could be further mitigated with the provision of cash-in-lieu of parking and the potential to redesign the combined public/private parking lots to provide more parking spaces.

With those mitigation measures expressed as conditions to the minor variance, it is felt that the proposed development will minor in terms of its impact on the surrounding neighbourhood.

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 the conversion of the upper floors of 106 Wellington Street into five residential units meets the four tests set out in the Planning Act and represents good land use planning.

It is recommended that the Committee APPROVE Minor Variance A02-2023 to permit the establishment of five residential apartment units in the second and third floor of the



lands referred to as 106 Wellington Street, and that Section 6.1.2.2(1), Landscaped Open Space, not apply, that relief from Section 3.25.1, Parking Regulations for “other residential uses” be granted and require 1 parking space per residential unit, that relief from Section 3.25.1, parking regulations for retail uses be waived, and that the size of two residential parking spaces be permitted at a compact car size to be confirmed through the site plan process.

It is recommended that the Committee’s Decision include the following conditions:

1. That the proponent provide cash-in-lieu of parking, at a rate determined by the Village, for 4 commercial parking spaces.
2. That the proponent provide a draft of a rental agreements which contains a clause that clearly identifies the parking limitations on the property (i.e. only one parking space per unit).
3. That the proponent confirm the size of the “compact car” parking space to the satisfaction of the Village to be reflected in the site plan agreement.
4. That the development proceed through site plan control.

All of which is respectfully submitted,

Jp2g Consultants Inc.
ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS

Respectfully submitted:

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

Forbes Symon, MCIP, RPP
Senior Planner

Map 1: Location of Subject Property



Subject Property

Plan of Site: Proposed Parking Layout

