



Committee of Adjustment

AGENDA

Virtual Public Hearing regarding an Application for Minor Variance

March 2, 2022 at 6:00 p.m.

*****IMPORTANT NOTICE:** This meeting will be held electronically. To ensure transparency, a recording of this meeting will be livestreamed on YouTube on the “Village of Merrickville-Wolford” YouTube channel at https://www.youtube.com/channel/UC_OEkw3yIMarGSHGeNecrQg and posted on the website following adjournment.***

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

Online at: <https://us02web.zoom.us/j/85168219263>

Passcode: 685870

By Phone at: 1-647-558-0588

Meeting ID: 851 6821 9263

Participant ID: #

Passcode: 685870

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-01-2022 re: 12602 County Rd 15, Village of Merrickville-Wolford
6. Adjournment

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



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

RECEIVED

JAN 27 2022

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: Tracy Knapp
Address: 12602 County Road 15, North Augusta, ON K0G
Postal Code: 1R0
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:
N/A
4. Legal Description of Property: Former Municipality Merrickville-Wolford
Lot(s): Part Lot 19 & Part Lot 20 Concession: 6 _____
Lot(s): _____ Registered Plan: _____
Part(s): _____ Reference Plan: _____
Street Address: _____
Roll Number: 07# 14 711 025 06300 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: N/A
Depth: 222 feet from centre line of county road
Area: 40 x 60
Width of Street: N/A
8. Nature and extent of relief applied for: Please see attached site map.

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THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

9. Why is it not possible to comply with the provisions of the By-Law?
We require a larger garage in order to store and provide maintenance on our Motorhome and store various classic cars.

10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
Rural & Wetlands - ANSL, PSW, Designated Wetland, Significant Wildlife Habitat

11. Existing Village of Merrickville-Wolford Zoning of the land:
Please see attached RZCA mapping
In the Village zoning By-Law mapping, it appears the parcel (combined lots) is zoned Rural in the eastern portion of the lot along Cty Rd 15 and zoned Wetlands in the mid to western portion of the lot to Cranberry Lake.

12. Existing County Official Plan Designation:

13. Other applications submitted with this application: *N/A*
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:
Residential & Wetlands

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):
Please see attached site map

Existing:
0

Proposed: *(Please see attached preliminary drawings)*
40 wide x 60 long - Height Grade to midpoint of Roof 19.5'
Ceiling height - 16.0'

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

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THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

19. Number of Parking Spaces

Number of Existing: N/A Number of Proposed: 0

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

Provincial Highway	_____	County Road	<u>County Road 15</u>
Year-Round Municipal Road	_____	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 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		
A flood plain or other natural hazard		
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)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fish/Wildlife Habitat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
A designated heritage property	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

18. Does this application require demolition of an existing building?
If yes, please specify: _____

Yes ☐ No ☒

Established 1793
Incorporated
Wolford 1850
Merrickville 1880
Amalgamated 1998



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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, Tracy Knapp of the Village of Merrickville ^{WOLFORD} in the County of Grenville 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: Jan 27, 2022

Signature of Owner: [Signature]

Signature of Agent or Applicant: _____

DECLARED BEFORE ME AT THE Village OF Merrickville ^{WOLFORD} IN THE County of Grenville OF Ontario, THIS 27 DAY OF January, 2022.

Kirsten Rahm

Treasurer, Commissioner A COMMISSIONER, ETC:

The Village of Merrickville-Wolford

[Signature]

FREEDOM OF INFORMATION/ACCESS TO PROPERTY CONSENT OF OWNER

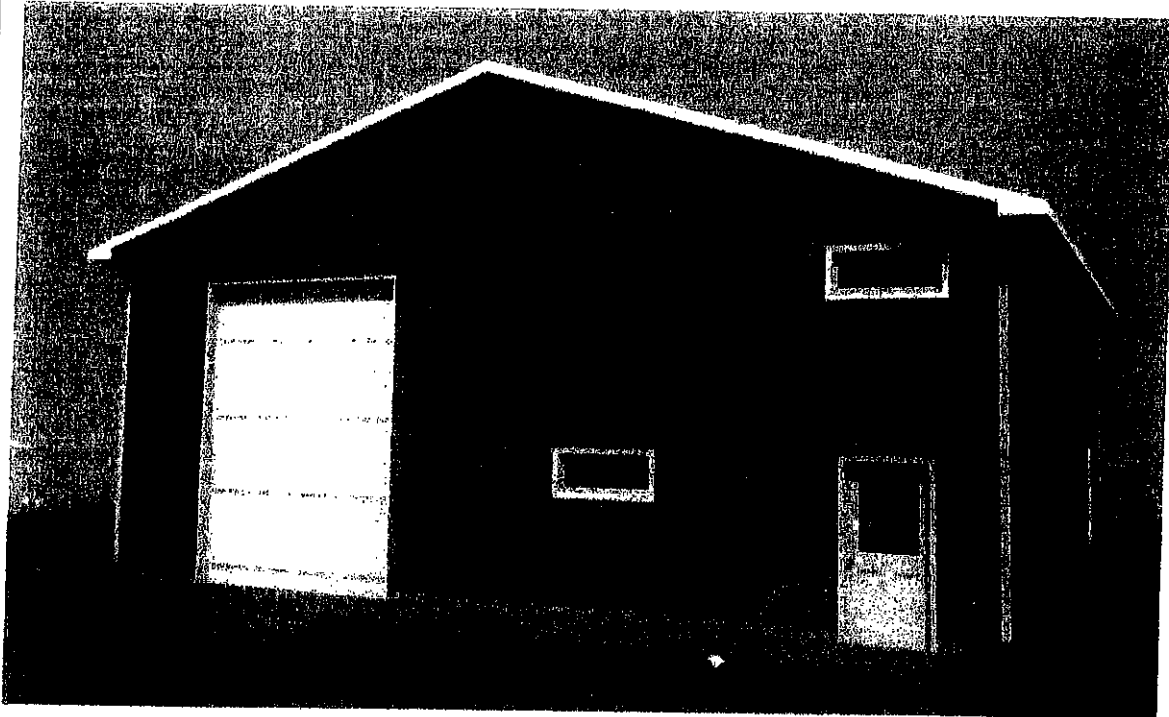
I, Tracy Knapp, being the registered owner of the lands subject of this application for minor variance, and for the purposes of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information 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.

Jan 27-22

Date

[Signature]

Owner's Signature



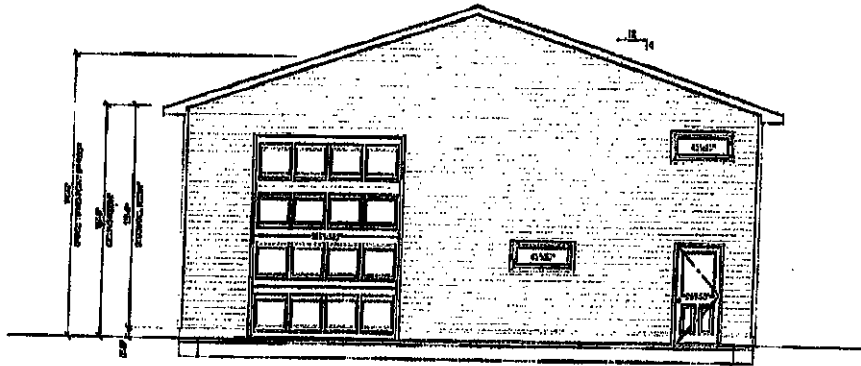
**NOT FOR
CONSTRUCTION**



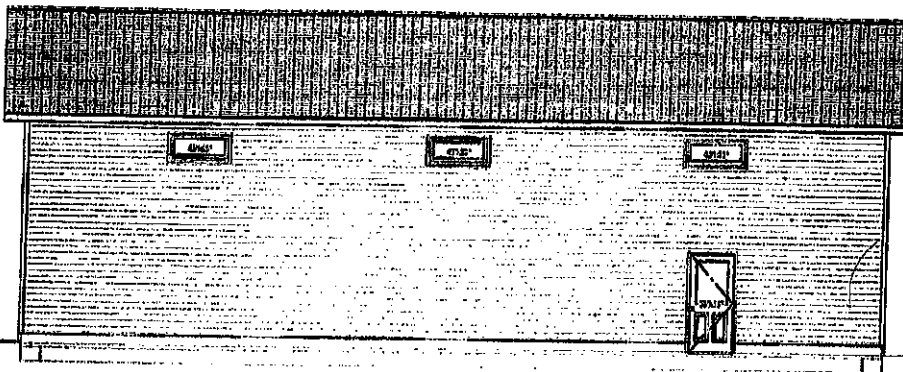
<small>These drawings are prepared for the use of the client and are not to be used for any other purpose without the written consent of Precision Home Design. The client is responsible for obtaining all necessary permits and ensuring that the drawings comply with all applicable building codes and regulations.</small>	
Jeremy McMillan Owner	2021 BCN
Precision Home Design Designer	2021 BCN
CUSTOMER: KNAPP GARAGE 12502 COUNTY RD 15 MERRICKVILLE, ON	
DRAWING NAME:	
SCALE:	Sheet #
DATE: JAN 5, 2022	A1



THIS IS THE BACK COVER OF THE SUBMITTAL. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES.	
The undersigned has examined and taken responsibility for this design, and has the qualifications and meets the requirements set out in the Official Building Code.	
Consultant Information:	
Agency/Institution	0000
Name	SIGNATURE
Project/Home Design	11500
Price	
CLIENT NAME:	
KNAFF GARAGE	
12042 COUNTY RD 15	
MERRICKVILLE, ON	
DRAWING NAME:	
FOUNDATION PLAN	
SCALE:	Sheet #
3/16" = 1'-0"	
DATE:	A2
JAN 5, 2022	



FRONT ELEVATION

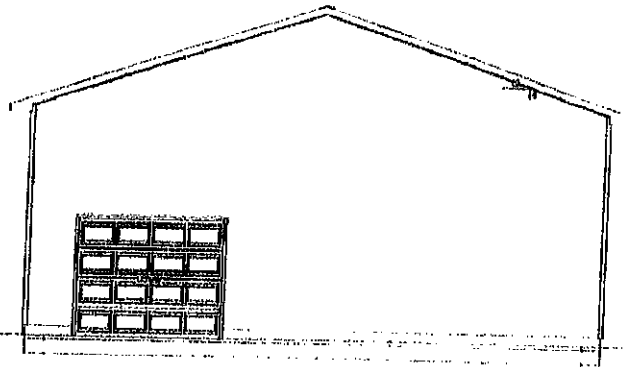


RIGHT ELEVATION

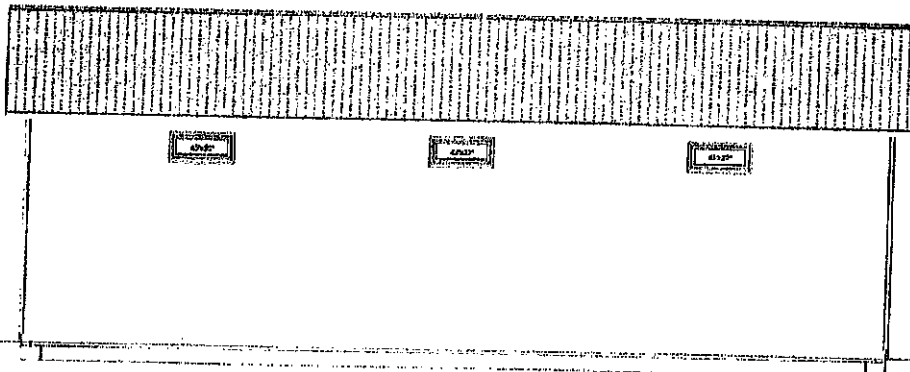
**NOT FOR
CONSTRUCTION**



<small>PRECISION HOME DESIGN is a registered service mark of Precision Home Design Inc. The information contained herein is for informational purposes only and does not constitute an offer of any financial product or service. All rights reserved. Precision Home Design Inc. is a registered trademark of Precision Home Design Inc.</small>	
<small>Drawn by:</small> Jeremy Holtz	<small>Date:</small> 2/2/21
<small>Checked by:</small> Precision Home Design	<small>Date:</small> 1/18/22
<small>CUSTOMER:</small> KNAPP GARAGE 12802 COUNTY RD 15 MERRICKVILLE, ON	
<small>DRAWING NAME:</small> ELEVATIONS	
<small>SCALE:</small> 1/8" = 1'-0"	<small>Sheet #</small> A4
<small>DATE:</small> JAN 5, 2022	



REAR ELEVATION



LEFT ELEVATION

**NOT FOR
CONSTRUCTION**



<small>I warrant that this drawing was prepared by me or under my direct supervision and that I am a duly licensed professional in the province of Ontario. The Licensed Professional Engineer and Architect are responsible for the design and that they shall be responsible for the requirements set out in the Ontario Building Code or as otherwise indicated.</small>	
Jeremy McMillan CIVIL Precision Home Design JUN	2021 JUN 11/06/22 JUN
CUSTOMER: KNAPP GARAGE 12602 COUNTY RD 15 MERRICKVILLE, ON	
DRAWING NAME: ELEVATIONS	
SCALE: 1/8" = 1'-0"	Sheet # A5
DATE: JAN 5, 2022	

COUNTY RD # 15

FENCE

CENTER LINE OF
HWY #15 TO FENCE 30'

From Center Line of Road
To GARAGE 222'

1000 Square Feet
HOUSE

SEPTIC

104'

14x24
SHED

WELL

133'

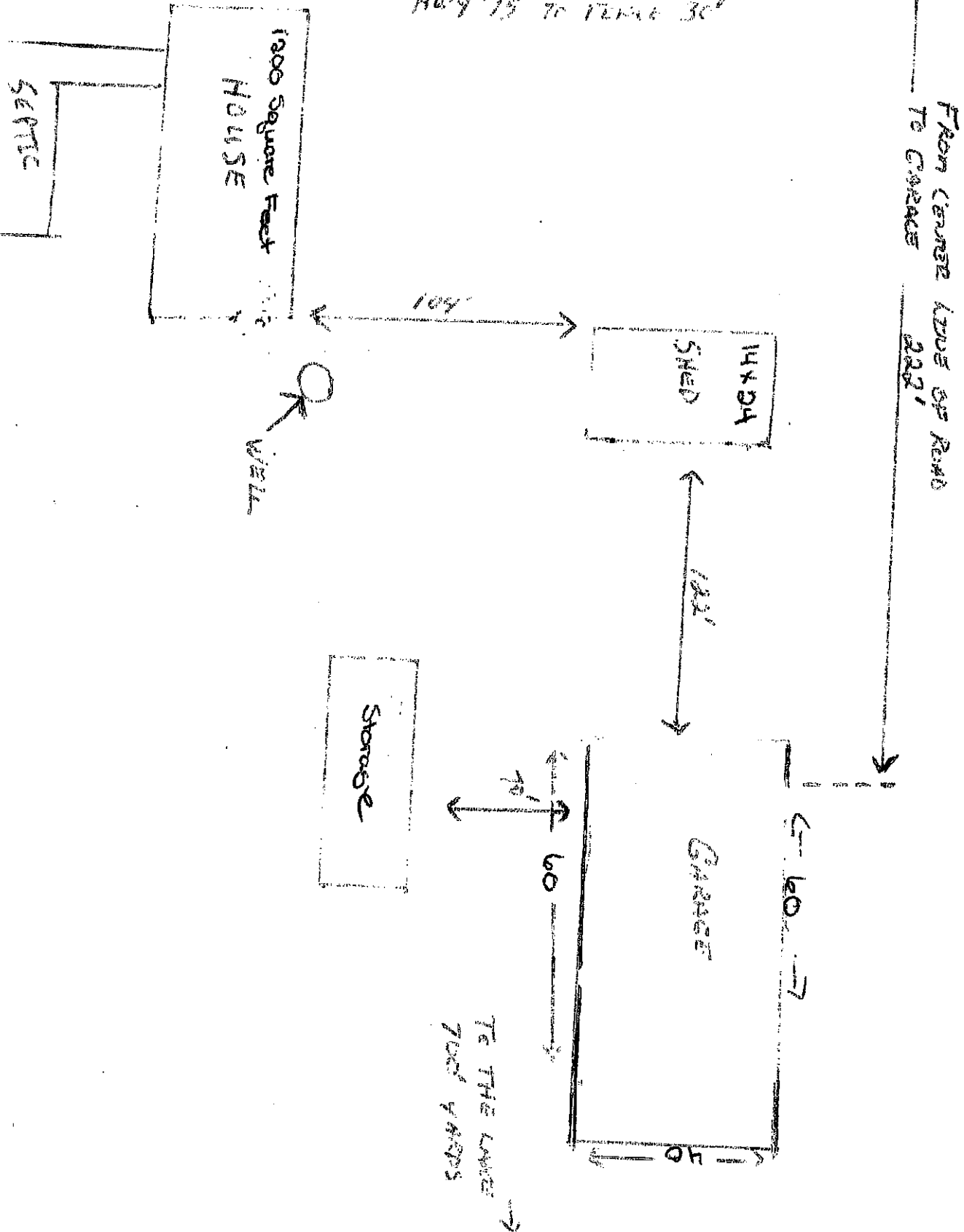
Storage

GARAGE

60' →

60'

TO THE LAKE
700' YARDS →



This map tool is for information screening purposes only. In all cases, please contact RVCA Planning Staff for confirmation: 613.682.3571 or development@rvca.ca



Legend

- ★ Parcel Activity
- Parcel - Assessment
- Lot
- Area of Reduced Flood Risk
- Regulation Limit
- 100yr Floodline
- Floodplain
- Area of Reduced Flood Risk
- Area of Shallow Flooding
- Reg Limit Dominant Hazard
- Floodplain
- Geo-technical Hazard Limit
- Meander Belt
- Spit Line
- Stable-Toe Slope
- Top of Slope
- Unstable-Toe Slope
- Wetland
- Regulated Wetlands
- RVCA Sub-Watersheds
- RVCA Catchments
- MNRF Wetlands
- Enriched Forests (RSW)
- Non-PSW Wetlands
- Waterbody
- MNRF Significant Woodlands

1: 3,191.84

Map Projection: WGS 1984 Web Mercator
Map Data: Natural Resources Canada

Notes

Parcel data is compiled by Terrestrial Enterprises Inc. and its suppliers. All rights reserved. Map and the information on this map is an approximation of ground surface elevations and should not be relied upon for decisions you make with respect to any parcel you have in this or any other property. You should not act or refrain from acting based upon the information without independently verifying the information and, as necessary, obtaining professional advice regarding your particular facts and circumstances. The correct information on the parcel number database which should be determined by an Ontario Licensed Surveyor or qualified Professional Engineer.



VILLAGE OF MERRICKVILLE-WOLFORD

Notice of VIRTUAL Public Hearing

Application for Minor Variance

File No. A-01-2022

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): Tracy Knapp
Location of Property: 12602 County Rd 15, Village of Merrickville-Wolford

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: Wednesday, March 2, 2022 at 6:00 p.m.

Purpose of Application:

The application requests relief from Section 3.2.3, Accessory Structure Maximum Height 16.4 feet (5 meters) and Section 3.2.4, Accessory Structure Maximum Lot Coverage 1,507 square feet (140 square meters) of the Village of Merrickville-Wolford Zoning By-Law 23-08, as amended. Specifically, the request is to construct a garage (to store and maintain a motorhome and classic cars), with dimensions 40 feet (12.2 meters) wide by 60 feet (18.1 meters) long and height 19.5 feet (5.9 meters) from grade to midpoint of roof, and ceiling height 16 feet (4.9 meters). Subject site shown on Key Map below.

Official Plan: Rural (RU), Wetlands, ANSI (Area of Natural and Scientific Interest), Significant Wildlife Habitat, Unstable Soils.

Zoning: Rural (RU) - eastern portion of lot along County Rd 15, and;
Wetlands (W) - mid to western portion of lot to Cranberry Lake.

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 2, 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 **"12602 County Road 15, MINOR VARIANCE, A-01-2022"** in the subject line of an email or letter submission. In addition, live comments may be submitted during the virtual public hearing **beginning March 2, 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 March 2, 2022**. Upon registration, you will receive details on how to join the Virtual Public Hearing.

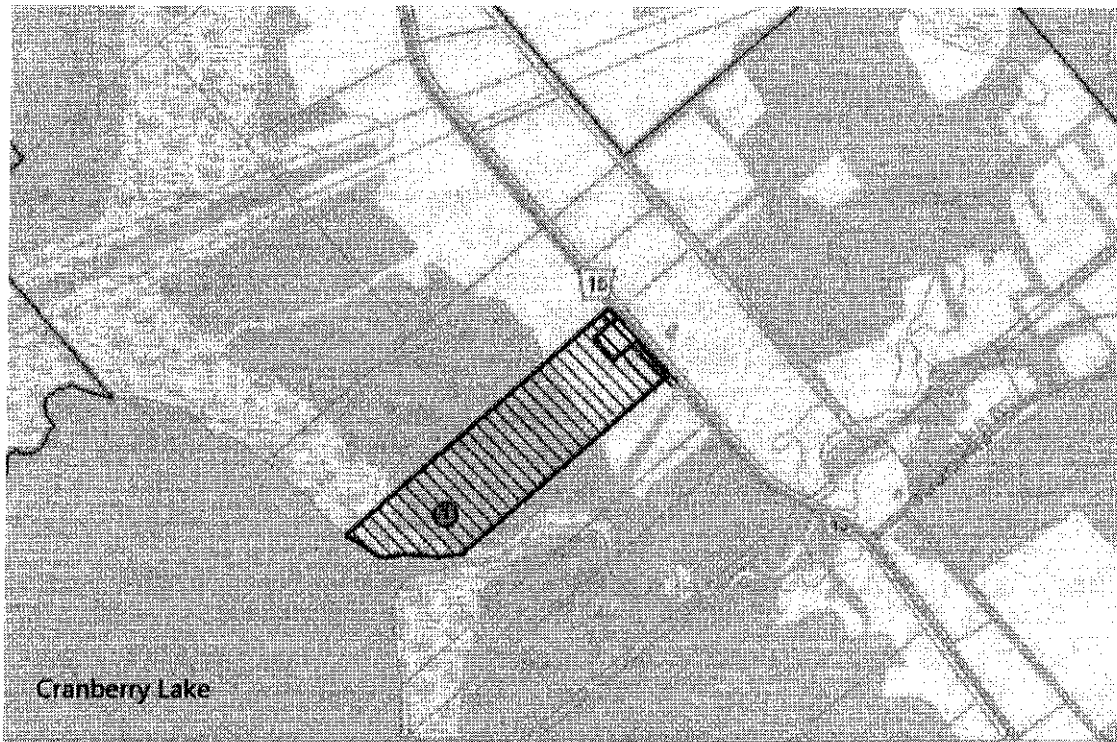
To Observe only, Visit the Village Council's YouTube Channel:

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

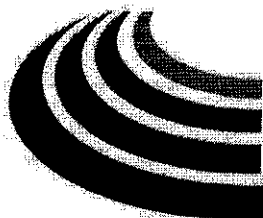
If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance, does not make written submissions to the Committee of Adjustment before a decision is made, the Ontario Land Tribunal may dismiss the appeal. If you wish to be notified 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 15th day of February, 2022
Doug Robertson, CAO/Clerk

KEY MAP



12602 County Rd 15, Merrickville-Wolford
Subject site outlined in Red above



Leeds, Grenville & Lanark District

HEALTH UNIT

Your Partner in Public Health

February 17, 2022

Stacie Lloyd
Manager, Community Development

Village of Merrickville-Wolford
317 Brock St W, Box 340
Merrickville ON K0G 1N0

Dear Ms. Lloyd:

Re: Minor Variance: A-01-2022
Location: 12602 County Rd 15, Village of Merrickville -Wolford
Our File: 61075

Please be advised that we are unable to comment until a Maintenance Inspection of the property has been completed and we are able to determine the following:

- If there are any plans for washroom facility in the garage?
- It looks like the property is large enough but will need to confirm sufficient space for future replacement of the existing system?
- That there are no obvious signs of concern with the existing system?
- If the existing system can support any additional fixtures if planned?

If you have any questions, please do not hesitate to contact me.

Yours truly,

Penny Cheung, BAsC, CPHI(C)
Public Health Inspector
Leeds, Grenville and Lanark District Health Unit
25 Johnston Street, Smiths Falls, ON
Penny.Cheung@healthunit.org
Office: 613-283-2740
Fax: 613-283-6017

PC/gs





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-0008 & A-01-2022

February 25, 2022

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

Attention: Stacie Lloyd/Doug Robertson

**Subject: Tracy Knapp
Application for Minor Variance A-01-2022
CON 6 PT LOT 19 & 20 Wolford
Village of Merrickville-Wolford (Civic Address: 12602 County Road 15)**

Dear Ms. Lloyd/Mr. Robertson,

The Rideau Valley Conservation Authority within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
- Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,

The Proposal

The application requests relief from:

- Section 3.2.3, Accessory Structure Maximum Height 16.4 feet (5 meters)
- Section 3.2.4, Accessory Structure Maximum Lot Coverage 1,507 square feet (140 square meters) of the Village of Merrickville-Wolford Zoning By-Law 23-08, as amended.

Specifically, the request is to construct a garage (to store and maintain a motorhome and classic cars), with dimensions 40 feet (12.2 meters) wide by 60 feet (18.1 meters) long and height 19.5 feet (5.9 meters) from grade to midpoint of roof, and ceiling height 16 feet (4.9 meters).

The Property

This property is a 29.358-acre rectangular lot. The lot has a width and road frontage of approximately 184 metres and is approximately 700 metres at its longest point from the road to the rear of the lot. From County Road 15 to approximately 180 metres south-west, this area is cultural meadow with young tree regrowth on old agricultural field. The house and accessory structures, including the proposed accessory structure are all located in this area. The old

field/cultural meadow ends where the Area of Natural and Scientific Interest (ANSI) boundary begins, which includes the Wolford Bog Provincially Significant Wetland (PSW), unevaluated wetlands and designated Significant Woodlands. This area from the end of the old field/cultural meadow extends for approximately 520 metres to the edge of Cranberry Lake. These two thirds of the property contain all the provincially significant natural features.

RVCA Comments and Recommendations

Preservation of this minimum setback within which disturbance is restricted has been a common ideal in place to protect lakes, rivers and wetlands and other natural heritage features over the long term. Maintenance of setbacks act to offset the intensification of use of the property. Over the long term, more use and more development will continue to apply greater impact to these natural features. Therefore, we encourage development and redevelopment to respect this setback consideration in keeping with the Township's minimum requirements. As you know, the RVCA encourage conformity with and compliance to the Official Plan and Zoning By-law as may be possible in such development proposals.

In this application there are no significant impacts to adjacent natural features as the proposed larger auxiliary building will be within the old field/cultural meadow and setback from the Area of Natural and Scientific Interest (ANSI) boundary, Wolford Bog Provincially Significant Wetland (PSW), unevaluated wetlands and designated Significant Woodlands. We recommend the following best management practices be implemented to protect the significant natural heritage features listed above, should approval be granted:

- Sediment and erosion controls installed prior to initiation of the work, to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township/Chief Building Official.
- Excavated materials will be disposed of well away from the lake and any wetland areas.

No RVCA Section 28 permit is required as the proposed development is outside the 120m adjacent lands to the PSW.

In conclusion, the RVCA do not object to the approval of the minor variance as presented.
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 - Tracy Knapp (Owner)
- Emma Bennett, Nick Fritzsche (RVCA)

		Date Req'd
Information Purposes		
Policy / Action Req'd		
Strategic Plan		

STAFF REPORT TO Committee of Adjustment Merrickville-Wolford

March 1, 2022

From: Shawn Merriman

RE: Building & By-law Department Insight File A-01-2022 12602 Cty Rd 15

Recommendation: Report for information purposes only and consideration by the members of the Committee of Adjustment.

Issue 1: Reminder that the building department will be requiring adequate information to be satisfied that the footings have adequate bearing capability and the soil has adequate bearing capacity. This area has had issues in the past according to bearing capacity hence a soil bearing report will be required by the Building department.

Issue 2: Whenever, a redevelopment occurs the question is can this make the site either more in compliance or less with the proposed zoning and the overall natural heritage of a site. In this case the building department deems it at best neutral as submitted. Reasons include by merging the lands there are no issues regarding a property with a nonconforming use.

Issue 3: A future concern is that this is a large accessory building which may not be needed by future owners, it may be difficult if not unlikely to prevent it from being used as a commercial use going forward.

Application proponents note: Please note that the department found the applicants to be polite and understanding about their issues in relation to this lot. When informed of planning issues they quickly and efficiently submitted an application and were polite and interested in doing things the correct way. This department has no concerns about

		Date Req'd
Information Purposes		
Policy / Action Req'd		
Strategic Plan		

any conditions applied in allowing this project to commence in being carried out. Hence no request for additional fees of deposit as a condition of the decision.

Conditions asked to be considered: No requests at this time, if there is a concern about issue three, a solution would be to have a registration on title for personal use only.

Shawn Merriman CBCO, RASDT, WETT
Building Official Merrickville-Wolford



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

March 2, 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-01-2022 (Knapp)
12602 County Road #15, Part Lot 19/20, Concession 6
Village of Merrickville-Wolford
Our File No. 20-7059A

Please accept the following Planning Report summarizing the nature and effect of the minor variance application before the Committee of Adjustment for 12602 County Road #15. 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 2,400 ft² (223 m²) in size and with a building height of 19.5 feet (5.9 m). Section 3.2.3 Accessory Structures, Maximum Height, sets the maximum height for accessory structures at 16.4 feet (5 m). Section 3.2.4, Accessory Structures, Maximum Lot Coverage, sets the maximum lot coverage for a detached accessory structure at 1,507 ft² (140 m²).

Description of Development

The subject property is approximately 29.4 ac (11.9 ha) in size with roughly 20.5 ac (8.3 ha) of the lands being identified as provincially significant wetland, associated with the Wolford Bog. The remaining 8.9 acre (3.6 ha) are high and dry and occupied by a detached dwelling and accessory structures. The proposal is to construct a new detached garage to house the applicant's motorhome and classic cars. The detached garage which is to be 2,400 ft² (223 m²) in size and with a building height of 19.5 feet (5.9 m), both of which are greater than is permitted under Section 3.2, Accessory Structures of the Zoning By-law.

Site and Surrounding Land Use

The subject property is located in the south-central portion of the Village in an area characterized as rough rural lands with emerging secondary tree cover. The subject property is characterized as being wetland in the rear 2/3rds of the property and rough



rural lands on the front 1/3 of the property. The subject lands are occupied by a single detached dwelling serviced by private well and septic system.

The surrounding land use is of a similar nature – i.e. scattered rural residences fronting on County Road #15.

Existing Official Plan

The subject property is designated “Rural” in the Village of Merrickville-Wolford Official Plan (2006). Section 6.4.2, Rural, recognizes limited residential development as being a permitted use. This designation permits a wide range of uses including low density residential uses.

Specific to accessory uses, Section 3.1. Accessory Uses clarifies that such structures must be incidental to permitted uses.

Section 9.7, Minor Variances states that “when considering a minor variance or permission for approval, the Committee shall consider whether the application is in keeping with the general intent of this Plan and of the implementing Zoning By-law, whether the proposal is desirable and appropriate for the development of the land, and whether the variance is minor.”

Existing Zoning

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property “Rural (RU)” and “Wetland (W)”. The development is proposed to be located within the RU zone. The RU zone permits single detached residential dwellings.

Section 3.2.3 Accessory Structures, Maximum Height, sets the maximum height for accessory structures at 16.4 feet (5 m). Section 3.2.4, Accessory Structures, Maximum Lot Coverage, sets the maximum lot coverage for a detached accessory structure at 1,507 ft² (140 m²).

The Minor Variance application is seeking relief from Section 3.2.3 and 3.2.4 to permit a detached garage that is 2,400 ft² (223 m²) in size and with a building height of 19.5 feet (5.9 m).

Accessory structures cannot be used for profit or gain.

Comments

The RVCA has provided written comments of no objection. They also confirmed that no Section 28 permit is required for this work. They did suggest that:

- Sediment and erosion controls installed prior to initiation of the work, to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township/Chief Building Official.



- Excavated materials will be disposed of well away from the lake and any wetland area

These matters can be dealt with through the issuance of the building permit and be recognized in the Committee's decision.

The Leeds Grenville, Lanark District Health Unit provided comments seeking additional information. Specifically, they wished to confirm:

- If there are any plans for washroom facility in the garage?
- It looks like the property is large enough but will need to confirm sufficient space for future replacement of the existing system?
- That there are no obvious signs of concern with the existing system?
- If the existing system can support any additional fixtures if planned?

It has been confirmed that there will be no washroom or plumbing associated with the new garage. The subject property is 29.4 ac (11.9 ha) due to the two properties merging on title and provide more than sufficient room for a replacement septic system. The proposed development is separate and independent from the function and condition of the existing septic system.

The Village CBO provided comments which included a "reminder that the building department will be requiring adequate information to be satisfied that the footings have adequate bearing capability, and the soil has adequate bearing capacity. This area has had issues in the past according to bearing capacity hence a soil bearing report will be required by the Building department."

No other comments were received at 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 2,400 ft² (223 m²) in size and with a building height of 19.5 feet (5.9 m).



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 rural land uses. This includes larger buildings associated with various non-residential uses. The accessory structure will fit into the rural landscape and will be compatible with surrounding uses. The only provisions of the Zoning By-law not satisfied is size and height requirements of Section 3.2.3 and 3.2.4.

The intent of the limits on the size and height of accessory structures is to ensure that they remain incidental and accessory to the principle use of the land, and thus the limitations on the scale of such buildings. The applicant has provided justified the need for the larger accessory structure. The proposed structure will be located to the rear of the principal structure and will look and function as an incidental and accessory use to the principle residential use of the property. The size of the structure is appropriate for the Rural area.

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 rural residential property. The housing of recreation vehicles and other vehicles within an accessory structure is generally preferred over open storage. 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 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 of 2,400 ft² (223 m²) in size and with a building height of 19.5 feet (5.9 m) meets the four tests set out in the Planning Act and represents good land use planning.

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

1. That through the building permit process that sediment and erosion controls be installed prior to initiation of the work, to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township/Chief Building Official.
2. That excavated materials will be disposed of well away from the lake and any wetland area
3. That the construction of detached garage does not include any plumbing fixtures.

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

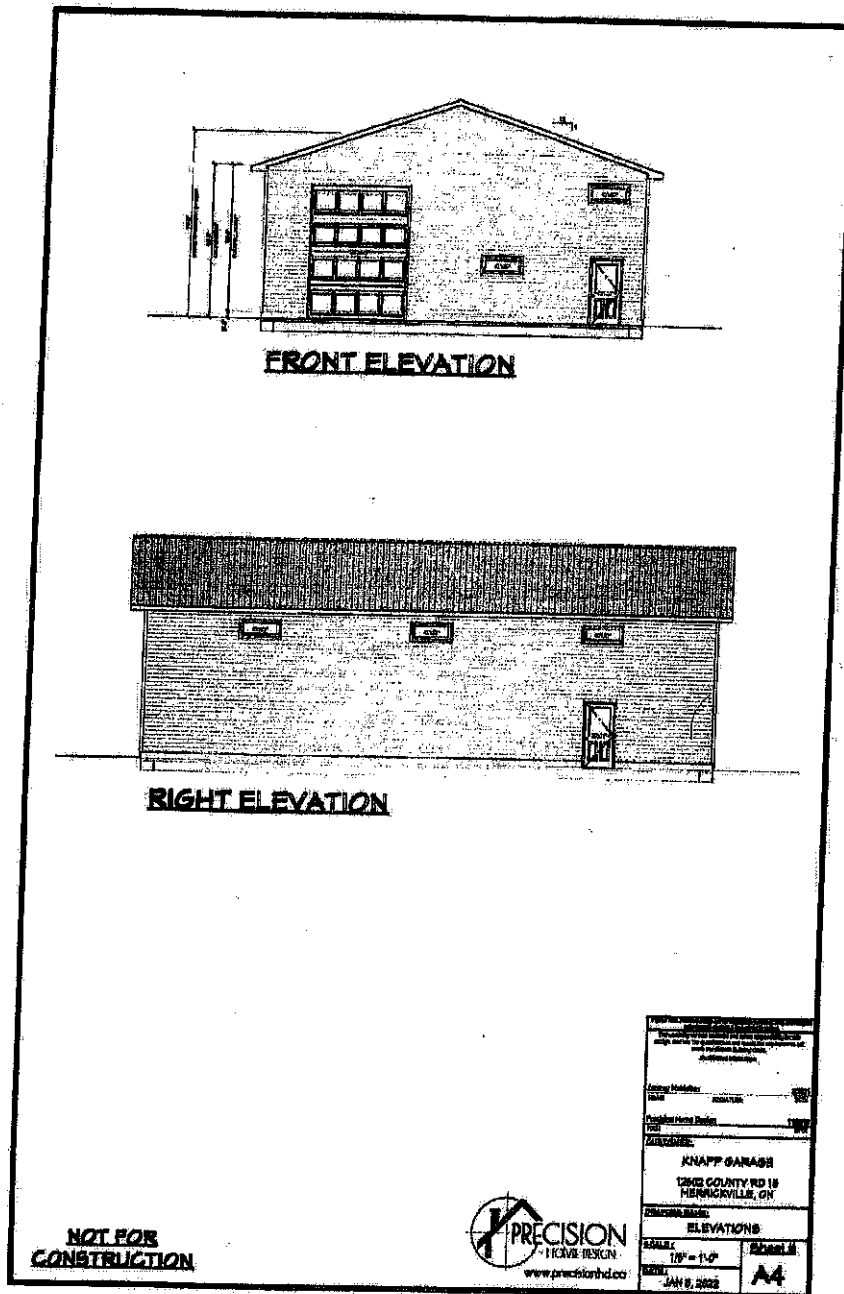


Map 1: Location of Subject Property





Plan 1: Proposed Accessory Structure Elevation





Plan 2: Proposed Site Plan

