



Committee of Adjustment

AGENDA

November 24, 2020 at 6:00 p.m.

Merrickville Community Centre, 106 Read Street, Merrickville

1. Call to Order
2. Disclosure of Pecuniary Interest and Nature Thereof
3. Appointment of Chairperson for this meeting
4. New Business:
 1. File No. A-02-2020 re: 365 County Road 23, Village of Merrickville-Wolford
 2. File No. A-03-2020 re: 118 Water Street, Village of Merrickville-Wolford
5. Adjournment

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

1. Property Owner's Name: KEVIN ROBINSON
Address: 365 COUNTY ROAD 23
Postal Code: K0G 1N0
e-mail: _____
Telephone: Home: _____ Work: _____
Cell: _____ Fax: _____

2. Applicant/Agent Name: ROD MCLEOD - OTTAWA HOME SELECT
Address if different from Owner: 106A SCHNEIDER RD
Postal Code: K2K 1Y2
e-mail: _____
Telephone: Home: _____ Work: _____
Cell: _____ Fax: _____

3. Name and address of any mortgages, holders of charges or other encumbrances of the subject lands:
*SCOTIA BANK 300 COLONNADE DR KEMPVILLE ONT
K0G 1S0

4. Legal Description of Property: Former Municipality WOLFORD

Lot(s): 4 Concession: B
Lot(s): _____ Registered Plan: _____
Part(s): _____ Reference Plan: _____
Street Address: 365 COUNTY RD 23
Roll Number: 014711 010 02100 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: 30.72m (100.79m)
Depth: 1 @ 210.03' (94.49m) 1 @ 358.37' (109.23m)
Area: 31160.42 (2894.8m)
Width of Street: 20ft (6.096m)

8. Nature and extent of relief applied for:
PERMISSION TO INCREASE SIDE
OF NOW COMPLYING STRUCTURE

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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?
WHOLE HOUSES WITHIN SET BACK AREA
10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
RESIDENTIAL
11. Existing Village of Merrickville-Wolford Zoning of the land:
RU WATER FRONT
12. Existing County Official Plan Designation:
RESIDENTIAL
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 ☐
UNKNOWN NOT BY THESE OWNERS
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:
40 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):
2 STOREY SINGLE FAMILY DWELLING - PROPOSED 2ND STOREY EXPANSION
- | | |
|---|-----------------------------------|
| Existing: GROUND FLOOR AREA: 1187 ft ² | TOTAL GROSS: 1721 ft ² |
| SECOND FLOOR AREA: 534 ft ² | BUILDING HEIGHT: 22'-0" |
| Proposed: GROUND FLOOR AREA: 1187 ft ² | TOTAL GROSS: 2374 ft ² |
| SECOND FLOOR AREA: 1187 ft ² | BUILDING HEIGHT: 22'-9" |
17. Date of construction of all buildings and structures on subject lands: 40 years +
18. Does this application require demolition of an existing building? Yes ☒ No ☐
If yes, please specify: REMOVAL OF EXISTING SECOND STORY + EXISTING ROOF ON 1 STOREY SECTION

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19. Number of Parking Spaces
Number of Existing: 4 + Number of Proposed: 4 +

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

Provincial Highway _____ County Road ☒ 23
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 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?

	Existing or Within 500 Metres	Within 500 Metres of Subject
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>FRONTS ON RIVER</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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MUST BE COMPLETED IN THE PRESENCE OF A "COMMISSIONER". THE MUNICIPAL CLERK IS AN AUTHORIZED COMMISSIONER.

I, ROOUIE WYND 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: Oct 9/20

Signature of Owner: [Signature]

Signature of Agent or Applicant: [Signature]

DECLARED BEFORE ME AT THE VILLAGE OF MERRICKVILLE IN THE UNITED COUNTIES OF LEEDS & GRENVILLE THIS 9th DAY OF October 9, 2020.

Christina Cukler
Deputy Clerk
The Village of Merrickville-Wolford

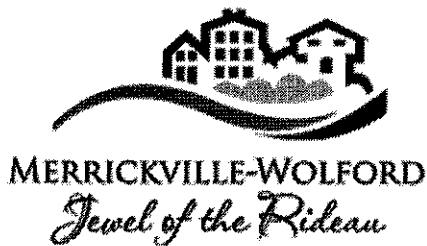
A COMMISSIONER, ETC: [Signature]

FREEDOM OF INFORMATION/ACCESS TO PROPERTY CONSENT OF OWNER

I, KEVIN ROSS as 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 (3) 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.

Date: Oct 9/20

Owner's Signature: [Signature]



VILLAGE OF MERRICKVILLE-WOLFORD

Notice of Public Hearing
Application for Minor Variance
File No. A-02-2020
Section 45(1) of the Planning Act, 1990

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

Name of Owner(s): Kevin and Melanie Robinson
Location of Property: 365 County Rd 23, Village of Merrickville-Wolford

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

Date and Time: Tuesday, November 24, 2020 at 6:00 p.m.
Location: Merrickville Community Centre, 106 Read Street, Merrickville, ON

Purpose of Application:

The application requests relief from non-complying structure requirements in Section 3.6.2.4 Non-Conforming and Non-Complying Uses of Merrickville-Wolford Zoning By-Law 23-08, as amended. Specifically, the request is to increase the size of a non-complying structure (single family dwelling) that exists within the minimum set back area from Rideau River, from a 1.5 story (second floor area currently 534 square feet) to 2-story (second floor area proposed to be 1187 square feet) structure involving .

Official Plan: Rural, Special Heritage Policy Area 1
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, K0G 1N0, or by email to cao@merrickville-wolford.ca no later than 4:30 p.m. on November 24, 2020. Written submissions will be provided to the members of the Committee of Adjustment in advance of the meeting, if possible. The Clerk will verbally read out written deputations during the meeting at the time the application is considered. You are entitled to attend this public hearing in person.

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 Local Planning Appeal 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 13th day of November, 2020
Doug Robertson, CAO/Clerk



Jp2g Consultants Inc.

ENGINEERS • PLANNERS • PROJECT MANAGERS

12 International Drive, Pembroke, ON, K8A 6W5
T 613-736-2507, F 613-735-4513, www.jp2g.com

November 20, 2020

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

Attention: Doug Robertson, CAO/Clerk

**Re: Planning Report – Application for Permission to Enlarge (Robinson)
365 County Road #23,
Village of Merrickville-Wolford
Our File No. 20-7059P**

Please accept the following Planning Report summarizing the nature and effect of the permission to enlarge application before the Committee of Adjustment for 365 County Road #23. The Report also summarizes relevant planning policy and provides a professional planning opinion on the merits of the application.

Purpose and Effect

The purpose of the application is to permit the enlargement of an existing legal non-conforming dwelling, changing the dwelling from a 1 ½ story structure with a total floor area of 160 m² (1,721 ft²) and a height of 6.7 m (22 feet) to a full 2 story structure with a total floor area of 220 m² (2,374 ft²) and a high of 6.9 m (22.75 feet).

The existing structure is partially located within the floodplain of the Rideau River and is deemed to be legal non-conforming.

Description of Development

The applicant owns the waterfront subject property which is currently occupied by a 1 ½ story single detached dwelling. The proposal is to remove the top ½ story and replace it with a full second story. There is no proposed change to the footprint of the existing development on the property. The increase in living area will be approximately 60 m² (645 ft²). The height of the dwelling will increase approximately 0.2 m (0.75 ft).

In consultation with the applicant and Village staff it was determined that a permission to enlarge application before the Committee of Adjustment would be the best planning process to address this matter.

Site and Surrounding Land Use

The subject property is located on the south side of the Rideau River, east of the Village of Merrickville, and just west of the Hamlet of Burritts Rapids. The subject property is typical for a lot in this area, with a lot frontage of 30.72 m (100.7 ft) on County Road



#23. The property has an area of approximately 2,894 m² (31,160 ft²). The property is occupied by a single detached dwelling that is serviced by private well and septic system. There is also a detached garage on the subject property (Map 1).

The surrounding land use consists of a mix of low-density waterfront residential development on private services. The neighbourhood is best described as a mature waterfront residential area. Immediately to the south and west of the subject property, on the opposite side of County Road #23 are active field crop agricultural operations.

Existing Official Plan and Zoning

The subject property is designated "Rural" in the Village of Merrickville-Wolford Official Plan (2006). This designation permits a limited range of residential development. Section 3.10.1 of the Official Plan sets out the policies for consideration of enlargements of legal non-conforming uses. The policies suggest that the expansion of legal non-conforming uses shall:

- Not unduly aggravate the existing non-conformity
- Be of an appropriate proportion to the size of the existing structure to be enlarged
- Is a minor adjustment to the existing structure
- Has no impact on surrounding uses
- Does not present an environmental or public health or safety concern
- Is appropriately serviced and has no negative traffic impact.

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property Rural (RU) with a floodplain overlay. The RU zone permits single detached dwellings and accessory uses such as a garage.

Generally, no new development is permitted within the Floodplain.

Comments

In consultation with RVCA it has been determined that the nature of the proposed development going up the full two stories on the existing footprint is consistent with the modest enlargements RVCA policies would permit to existing structures within the floodplain.

RVCA has provided verbal comments that they have no objections to the proposed development. An RVCA permit will be required.

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

Planning Opinion – Satisfying Section 3.10.1 of the OP



Direction is found in Section 3.10.1 of the Merrickville Official Plan on matters to be considered when evaluating a permission to enlarge applications. The policies state that expansion of legal non-conforming uses shall:

- Not unduly aggravate the existing non-conformity
- Be of an appropriate proportion to the size of the existing structure to be enlarged
- Represent a minor adjustment to the existing structure
- Has no native impacts on surrounding uses
- Does not present an environmental or public health or safety concern
- Be appropriately serviced and has no negative traffic impact.

When considering these criteria, the following can be stated about the proposed development:

1. The proposed expansion will not increase the footprint of development within the floodplain and will modestly increase the total square footage of the existing structure through the removal of the existing ½ upper story and the construction of a full second story on the existing dwelling.
2. The existing structure is 160 m² (1,720 ft²) in size and is to be increased to 220 m² (2,375 ft²). The change is modest and appropriate to the scale of existing dwelling.
3. The existing structure has an existing ½ upper story. The proposal is to have a full second story. This represents a minor adjustment to the existing structure. There is a very modest increase in the height of the existing structure with this change.
4. There will be no negative impacts on the surrounding uses as a result of this modest enlargement. The continuation of the existing residential use is deemed to be compatible with surrounding uses.
5. There are no environmental or public health issues with the proposed enlargement.
6. The subject property is serviced by private well and septic system. The existing entrance onto the County Road is approved and appropriate for the use of the land.

The proposed Permission to Enlarge is deemed to Conform to the Policies of Section 3.10.1 of the Merrickville Official Plan.



For these reasons, it is my opinion that the proposed Permission to Enlarge to permit the removal of the existing ½ story and construct a full second story conforms to the Official Plan and represents good land use planning.

Sincerely,

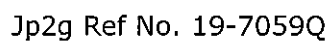
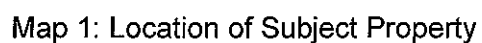
Jp2g Consultants Inc.

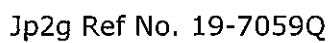
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Respectfully submitted:

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





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

STAFF REPORT TO Committee of Adjustment Merrickville-Wolford

November 24, 2020

From: Shawn Merriman

RE: Building Department Insight re: Construction issues 365 County Road 23

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. Hence the normal way to complete that would be to excavate the exterior without undermining the existing footings and then make a determination. However, as this building is just at the edge of the flood plain regulation consideration could be given to attaching a condition if application is approved that determination would have to be done through other methods from the interior of the dwelling.

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 additional hardened surfaces on the rear of the house in a concrete pad coupled with a larger house for increased use. Some smaller steps that could be considered would and could include the following. All rainwater from the hardened surfaces be worked as far back on the lot as possible to allow maximum penetration into soil prior to reaching the waterfront. Use of permeable pavers instead of a concrete where possible in the exterior. Detached garage being relocated if there was any thought to rebuilding or removal. Last thought if larger windows are anticipated the following could be a condition of the minor variance. Please see website below but in general it means adding small strips of tape or decal to the window which allows the bird to determine that it is not open space.

<https://www.wikihow.com/Prevent-Birds-From-Flying-Into-Windows>

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

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 a need for a minor variance they quickly and efficiently submitted an application and were polite and interested in doing things the correct way. This department has no concerns about 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: Footing determination of capability without exterior excavation, removal of hardened surfaces where possible, redirection of rain and surface water, use permeable surfaces where appropriate, and mitigate window bird collisions.


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



November 20, 2020
20-MWO-MVA-0020 (Merrickville)
A-02-2020

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

Attention: Ms. Stacie Lloyd

Subject: Robinson, Kevin & Melanie
365 County Road 23
Merrickville, ON

Dear Ms. Lloyd,

The Rideau Waterway Development Review Team (RWDRT) has reviewed the noted application on behalf of the Rideau Valley Conservation Authority within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement (2020) under Section 3 of the Planning Act.
- Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,
- the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the associated "municipal Site Evaluation Guidelines (updated 2015).

and on behalf of Parks Canada-Rideau Canal Office within the context of:

- Federal Species at Risk Act and Impact Assessment Act,
- Federal Policy on Wetland Conservation,
- Historic Canals Regulations,
- Waterway Navigation,
- Natural and Cultural Resources,
- Federal Crown ownership,
- The National Historic Site and UNESCO World Heritage designations of the Rideau Canal.

The Proposal

The applicants seek permission to increase size of non-complying structure by removing existing second storey (534sqft) and roof to add a new and larger second storey (1187sqft) and roof. The variances requested is:

- Section 3.27.2.1 of the Village of Merrickville-Wolford Zoning By-law 23-08, as

Working Together in One Environment

Parks Canada Rideau Canal | Rideau Valley Conservation Authority | Carleton Place Conservation Authority
613-283-7199 613-692-3571 613-946-4228

amended, Relief of 14.5m from the required 30m water setback to allow for a 15.5m water setback for the proposed 1187sqft second storey addition.

The Property

This property is approximately 0.7 acres in size. It is rectangular in shape with a shore and road frontage of approximately 29 metres and depth of the lot from highwater mark of the Rideau River to road frontage is approximately 110 metres. The house is almost all within the 30 metre setback from the highwater mark of the Rideau River. The property is flat and moderately steep at the shoreline. There are some mature trees on the property, however the lot is predominately lawn and driveway.

RVCA Comments

Preservation of this minimum setback within which disturbance is restricted has been a common ideal in place to protect lakes, rivers and wetlands over the long term. Maintenance of water setbacks act to offset the intensification of use of the property expected with larger and more frequent use of the site. Over the long term, more use and more development will continue to apply greater impact (sediment, nutrient loading) to the Rideau River. Therefore, we encourage development and redevelopment to respect this setback consideration in keeping with the Township's minimum requirements. The RVCA and Parks Canada encourage conformity with and compliance to the Official Plan and Zoning By-law where possible in such development proposals.

Because the proposed development will not encroach further into the 30 metre water setback, we can support this development as the impact will be considered minor in nature. The development is outside the RVCA regulatory limit, so will not require a permit, however any future shoreline work may require a permit, please contact the RVCA office. For this application, we recommend the following best management practices be incorporated into the development plan to protect the Rideau River. These matters are to be incorporated into the approval, if granted:

- Sediment and erosion controls between the construction area and the shoreline are to 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.
- Excavated material shall be disposed of well away from the water, in excess of 30 metres or off site.
- Roof runoff shall be collected and directed on-site and away from the river to provide the greatest infiltration for surface runoff. Runoff should not be directly outlet towards the Rideau River.
- Regeneration of the waterfront/slope vegetative buffer with native vegetation cover is important on this site. Native plant cover will help to stabilize the waterfront, protect against nutrient and sediment load to the lake and reduce costly maintenance over the long term. We recommend that more native vegetation be planted over the frontage and particularly between the dwelling and the water. Allowance can be made for a modest pedestrian access path traversing this re-naturalization area to the water's edge. We recommend that the applicant contact the Shoreline Naturalization Program staff (Meaghan McDonald) at 1-800-267-3504 or 613-692-3571 to assist with additional site plantings and in upland areas to off-set the impacts of the dwelling within the 30 metre

11

setback.

Rideau Canal- Parks Canada Comments

The Rideau Canal is both a National Historic Site of Canada and a UNESCO World Heritage Site. In accordance to the Rideau Canal's inscription as a UNESCO World Heritage Site, Parks Canada staff strive to preserve and enhance the cultural, natural, and scenic values associated with the Rideau Canal so that all Canadians can enjoy this legacy into the future. This can be achieved in part by conserving natural shorelines, retaining and enhancing native vegetation within the 30 metre UNESO buffer that is associated with the property, and developing the property in a manner that complements the visual character of the landscape. While not a part of the Rideau Canal itself, the 30 metre buffer is intended to provide an additional layer of protection. Within the 30 metre buffer area, vegetation clearing should be limited as much as possible during the construction of the new dwelling, and every effort should be made to ensure that the height of the dwelling does not exceed the top of the surrounding treeline.

For any new buildings or structures situated within the 30 metre buffer, the use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exterior of the dwelling. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged.

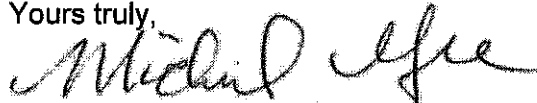
The Parks Canada Rideau Canal Office is an approval authority for in-water and shoreline works along the waterway. If the landowner wishes to carry out any new in-water and shoreline works for shoreline access, including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to the Rideau Canal's Policies for In-water and Shoreline Works and Related Activities. Parks Canada/Rideau Canal permitting staff can be reached by contacting 613-283-7199 (Craig Cunningham ext 284) or craig.cunningham@canada.ca.

Conclusion and Recommendations

In conclusion, the RVCA and Parks Canada-Rideau Canal Office 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 and Parks Canada - Rideau Canal Office 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

- craig.cunningham@canada.ca; Millar, Susan susan.millar@canada.ca
- Emma Bennett <emma.bennett@rvca.ca>; Matt Jokiel <matt.jokiel@rvca.ca>
- Meaghan McDonald meaghan.mcdonald@rvca.ca

Working Together in One Environment

Parks Canada-Rideau Canal | Rideau Valley Conservation Authority | Cataraugus Region Conservation Authority
613-283-7199 | 613-692-3571 | 613-246-4228

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Facsimile (613) 269-3095

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

FOR OFFICIAL USE ONLY

Date this Application was received by this Village:

1. Property Owner's Name: Timothy Molloy
Address: 118 Water St.
Postal Code: K0G 1N0
e-mail: _____
Telephone: Home: _____ Work: tt
Cell: A 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
Lot(s): 748 Concession: _____
Lot(s): _____ Registered Plan: Plan 6 Lots CC/DD
Part(s): _____ Reference Plan: 15R 9105 Parts 1 to 3
Street Address: _____
Roll Number: 0714 714 010 167 000 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: 454'
Depth: Irregular
Area: 34 630 sq. ft.
Width of Street: NA
8. Nature and extent of relief applied for: Set backs can not be reached
with existing lot of record.

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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?
Can not be reached with existing lot of record
10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
Residential
11. Existing Village of Merrickville-Wolford Zoning of the land:
R1
12. Existing County Official Plan Designation:
Residential
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 ☒
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:
100 yrs plus
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):
House 40' x 30' 1 1/2 storey log + wood framing
- Existing:
- Proposed: Slab on grade garage 24x16
17. Date of construction of all buildings and structures on subject lands: 100+ years
18. Does this application require demolition of an existing building? Yes ☐ No ☒
If yes, please specify: _____

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19. Number of Parking Spaces
Number of Existing: 3 Number of Proposed: 3

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

Provincial Highway	_____	County Road	_____
Year-Round Municipal Road	<input checked="" type="checkbox"/>	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 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?

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		Yes
A licensed pit or quarry or an area designated for aggregate extraction		
A mining hazard		
✓ An active railway line		Yes
✓ A flood plain or other natural hazard	Yes	
A natural gas or oil pipeline		
A hydro easement		
A contaminated site		
A well head protection zone		
✓ A provincially significant wetland	Yes	
An area of natural and scientific interest (ANSI)		
✓ Fish/Wildlife Habitat	Yes	
A designated heritage property		

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

I, Timothy J. Melley of the Village of Merrickville/Wolford, in the County 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: Oct 30 / 2020

Signature of Owner: TJ Melley

Signature of Agent or Applicant: [Signature]

DECLARED BEFORE ME AT THE village OF Merrickville-Wolford IN THE County OF Leeds + Grenville, THIS 30 DAY OF October, 2020.

Kirsten Rahm
Treasurer, Commissioner
A COMMISSIONER, ETC.
The Village of Merrickville-Wolford

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.

Date

Owner's Signature

9

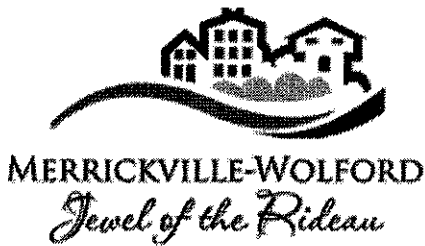
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VILLAGE OF MERRICKVILLE-WOLFORD

Notice of Public Hearing
Application for Minor Variance
File No. A-03-2020
Section 45(1) of the Planning Act, 1990

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

Name of Owner(s): Timothy John and Shirley Anne Molloy
Location of Property: 118 Water Street, Village of Merrickville-Wolford

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

Date and Time: Tuesday, November 24, 2020 at 6:00 p.m.
Location: Merrickville Community Centre, 106 Read Street, Merrickville, ON

Purpose of Application:

The application requests relief from setbacks from waterfront requirements in Section 3.27.2 Waterbody Setbacks of Merrickville-Wolford Zoning By-Law 23-08, as amended. Specifically, the request is to to allow a 1½ car garage on the subject property, within the minimum setback area from Rideau River.

Official Plan: Residential, Special Heritage Policy Area 2
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, K0G 1N0, or by email to cao@merrickville-wolford.ca no later than 4:30 p.m. on November 24, 2020. Written submissions will be provided to the members of the Committee of Adjustment in advance of the meeting, if possible. The Clerk will verbally read out written deputations during the meeting at the time the application is considered. You are entitled to attend this public hearing in person.

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 Local Planning Appeal 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.



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

November 20, 2020

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

Attention: Doug Robertson, CAO/Clerk

Re: Planning Report – Application for Minor Variance (Molloy)
118 Water Street Lane,
Parts 1 to 3, Reference Plan 15R-9105,
Village of Merrickville-Wolford
Our File No. 20-70590

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

Purpose and Effect

The purpose of the minor variance application is to seek relief from Section 3.27.2 Waterbody Setbacks which requires that “all buildings and structures ... shall be set back a minimum horizontal distance of 30 m (98.4 ft) from the normal high water mark of a waterbody.” The proposal is to construct a detached garage which is to be located 25.6 m (84 feet) from the normal high watermark of the Rideau River.

Description of Development

The applicant owns the waterfront subject property which is currently occupied by a single detached dwelling. The proposal is to construct a 16' X 24' detached garage, located between the house and Water Street. There is insufficient room on the existing lot of record to allow for the construction of the detached garage and meet the 30 m setback from the Rideau River.

In consultation with the applicant and Village staff it was determined that a minor variance application would be the best planning process to address this matter.

Site and Surrounding Land Use

The subject property is located on the north side of the Rideau River in the Village of Merrickville. The subject property is an irregular shaped lot approximately 3,217 m² (34630 ft²) in size and 138.4 m (454 ft) frontage along the Rideau River. The property has approximately 25 m (82 ft) of frontage on Water Street, which is an opened and maintained Village Street (Map 1).



The surrounding land use consists of a mix of low-density residential development, with the primary built form being single detached houses. The neighbourhood is best described as a mature residential neighbourhood. There are no identifiable natural features on the property other than the frontage on the Rideau River. The shoreline within the area of the subject property consists of a harden retaining wall and does not appear to have any natural riparian features. RVCA has identified the 100 Year Flood Elevation for the subject property and the existing house and the proposed garage are outside of the floodplain.

The subject property is serviced by municipal sanitary sewer and water.

Existing Official Plan and Zoning

The subject property is designated "Residential" in the Village of Merrickville-Wolford Official Plan (2006). This designation encourages a range of residential uses. Section 3.27 contains policies which seek a 30 m setback for new development from a watercourse. This may be reduced where it is demonstrated through an EIS that there is no negative impact on fish habitat or the ecological function of the watercourse.

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property Residential Type One (R1) which permits single detached dwellings and accessory uses such as a garage.

Section 3.27.2 of the Zoning By-law sets out the minimum 30 m setback for all buildings and structure from watercourses.

Comments

In consultation with RVCA it has been determined that the nature of the proposed development, its location between the house and the street and the harden shoreline of the Rideau River abutting the subject property that an EIS is not necessary. RVCA has provided verbal comments that they have no objections to the proposed development. An RVCA permit will be required.

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 requested encroachment into the watercourse setback.

Test 1: Official Plan

The Village of Merrickville-Wolford supports the residential use of the subject lands. The policies in the Official Plan intended to protect natural features such as waterbodies encourages new development to be setback from the natural feature. The fact that the property is a developed existing lot of record and that the existing house will be located between the river and the proposed garage demonstrates that efforts have been made to maintain the intent of the waterbody setback. The proposed garage will be located outside of the floodplain. 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 low density residential uses, which includes accessory structures. The only provision of the Zoning By-law not satisfied is the 30 metre setback from the normal high watermark.

The proposed garage will be approximately 25.6 m from the high watermark and outside of the floodplain of the Rideau River. Given that this is a developed existing lot of record and the garage is located on the Water Street side of the property, it appears that the intent of the 30 metre setback is being maintained and the integrity of the River is not being compromised. Further, the Zoning By-law allows for a 20 m setback from the top of bank of the watercourse. In the case of the subject property, the normal high watermark and the top of bank appear to be the same.

In general, the reduction in minimum watercourse setback from 30 m to 25 m is consistent with the expectations 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 residential use of the subject property is desirable as are accessory structures such as garages. Ensuring new development is outside of the floodplain and achieving a reasonable watercourse setback for an existing lot of record is desirable and appropriate.

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



Test 4: Variance is Minor

The impact of reducing the minimum watercourse setback from 30 m to 25 m is seen to be minor given the characteristics of the Rideau River shoreline abutting the subject property. The shoreline is hardened and does not demonstrate any significant riparian features.

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

For these reasons, it is my opinion that the proposed Minor Variance to reduce the minimum watercourse setback from 30 m to 25 m to permit the construction of a garage meets the four tests set out in the Planning Act and represents good land use planning.

Sincerely,

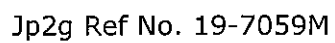
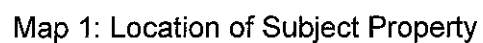
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Respectfully submitted:

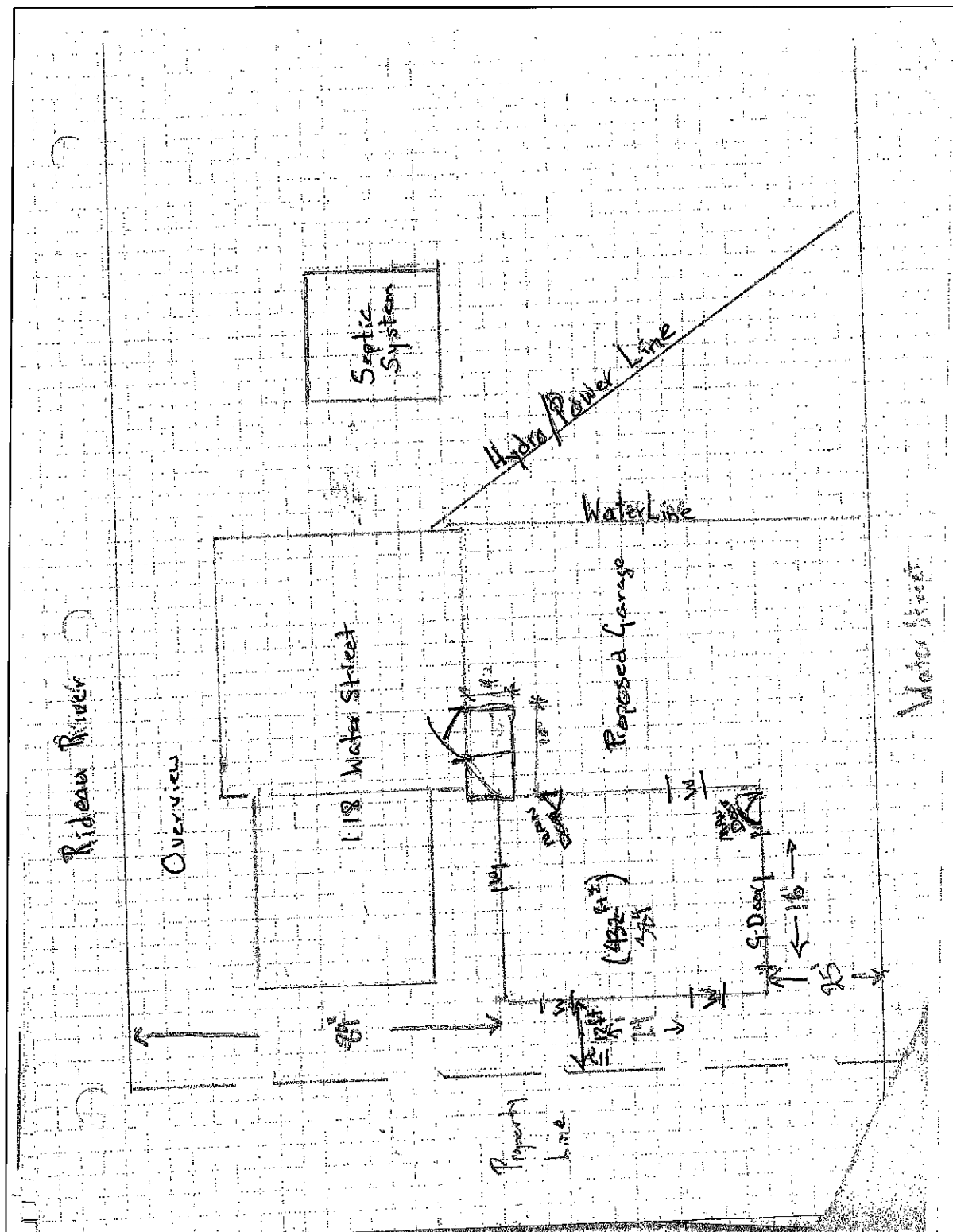
A handwritten signature in black ink, appearing to read 'F. Symon', is written over a horizontal line.

Forbes Symon, MCIP, RPP
Senior Planner





Map 2: Sketch of Subject Property Showing Proposed Garage



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

STAFF REPORT TO Committee of Adjustment Merrickville-Wolford

November 24, 2020

From: Shawn Merriman

RE: Building Department Insight re: Construction issues 118 Water Street Merrickville

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

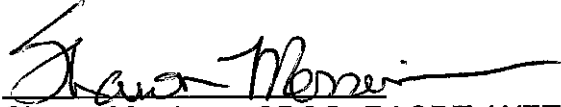
Issue 1: Reminder that the building can confirm that the construction pad for the base of the garage has already been installed. Having said that from being on site the garage placement is optimal for the lot, it is occurring behind the house, it is of relatively normal proportions and if anything is on the smaller side of normal garage construction. The current location will not appear to hinder any other neighbors from viewing the waterfront any more than currently can be viewed. Plus, by constructing the garage it will allow any issues related to vehicles to be within and sloped to the rear which is best for the health of the waterfront.

Issue 2: Although the interior cement will be sloped to the rear of the building. A condition should be made to have all rain water from the garage brought to the rear of the building as well.

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 a need for a minor variance they quickly and efficiently submitted an application and were polite and interested in doing things the correct way. This department has no concerns about 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.

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

Conditions asked to be considered: Rain water redirection to the rear of the building.



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



November 20, 2020
20-MWO-MVA-0023 (Merrickville)
A-03-2020

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

Attention: Ms. Stacie Lloyd

Subject: Timothy Molloy
118 Water Street
Merrickville, ON

Dear Ms. Lloyd,

The Rideau Waterway Development Review Team (RWDRT) has reviewed the noted application on behalf of the Rideau Valley Conservation Authority within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement (2020) under Section 3 of the Planning Act.
- Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,
- the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the associated "municipal Site Evaluation Guidelines (updated 2015).

and on behalf of Parks Canada-Rideau Canal Office within the context of:

- Federal Species at Risk Act and Impact Assessment Act,
- Federal Policy on Wetland Conservation,
- Historic Canals Regulations,
- Waterway Navigation,
- Natural and Cultural Resources,
- Federal Crown ownership,
- The National Historic Site and UNESCO World Heritage designations of the Rideau Canal.

The Proposal

The applicants seek approval to build a 24ftx16ft garage, slab on grade. The variances requested is:

- Section 3.27.2.1 of the Village of Merrickville-Wolford Zoning By-law 23-08, as

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Parks Canada-Rideau Canal | Rideau Valley Conservation Authority | Cataraqui Region Conservation Authority

613-283-7199

613-492-1571

519-546-1228

amended, Relief of 4.4m from the required 30m water setback to allow for a 25.6m water setback for the proposed 24ftx16ft garage.

The Property

This property is approximately 0.97 acres in size. It is irregular in shape with a long frontage of approximately 140 metres and very narrow depth from highwater mark of the Rideau River to road frontage with little land outside the 30 metre setback (approximately 48 metres at the widest point). The property is flat and well treed. There is a 40ftx30ft log and wood frame 1 & 1/2 storey dwelling within the 30 metre setback.

RVCA Comments

Preservation of this minimum setback within which disturbance is restricted has been a common ideal in place to protect lakes, rivers and wetlands over the long term. Maintenance of water setbacks act to offset the intensification of use of the property expected with larger and more frequent use of the site. Over the long term, more use and more development will continue to apply greater impact (sediment, nutrient loading) to the Rideau River. Therefore, we encourage development and redevelopment to respect this setback consideration in keeping with the Township's minimum requirements.

The lot is very narrow with very little area outside the 30 metre setback. The location of the garage is setback at a maximized distance for the highwater mark of the Rideau River. The RVCA and Parks Canada encourage conformity with and compliance to the Official Plan and Zoning By-law where possible in such development proposals. We recommend the following best management practices be incorporated into the development plan to protect the Rideau River. These matters are to be incorporated into the approval, if granted:

- Sediment and erosion controls between the construction area and the shoreline are to 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.
- Excavated material shall be disposed of well away from the water, in excess of 30 metres or off site.
- Roof runoff shall be collected and directed on-site and away from the river to provide the greatest infiltration for surface runoff. Runoff should not be directly outlet towards the Rideau River.
- Regeneration of the waterfront/slope vegetative buffer with native vegetation cover is important on this site. Native plant cover will help to stabilize the waterfront, protect against nutrient and sediment load to the lake and reduce costly maintenance over the long term. We recommend that more native vegetation be planted over the frontage and particularly between the dwelling and the water. Allowance can be made for a modest pedestrian access path traversing this re-naturalization area to the water's edge. We recommend that the applicant contact the Shoreline Naturalization Program staff (Meaghan McDonald) at 1-800-267-3504 or 613-692-3571 to assist with additional site plantings and in upland areas to off-set the impacts of the new garage.

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Rideau Canal- Parks Canada Comments

The Rideau Canal is both a National Historic Site of Canada and a UNESCO World Heritage

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Parks Canada-Rideau Canal | Rideau Valley Conservation Authority | Cataraqui Region Conservation Authority
613-283-7189 | 613-692-3571 | 613-330-4728

Site. In accordance to the Rideau Canal's inscription as a UNESCO World Heritage Site, Parks Canada staff strive to preserve and enhance the cultural, natural, and scenic values associated with the Rideau Canal so that all Canadians can enjoy this legacy into the future. This can be achieved in part by conserving natural shorelines, retaining and enhancing native vegetation within the 30 metre UNESO buffer that is associated with the property, and developing the property in a manner that complements the visual character of the landscape. While not a part of the Rideau Canal itself, the 30 metre buffer is intended to provide an additional layer of protection. Within the 30 metre buffer area, vegetation clearing should be limited as much as possible during the construction of the new dwelling, and every effort should be made to ensure that the height of the dwelling does not exceed the top of the surrounding treeline.

For any new buildings or structures situated within the 30 metre buffer, the use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exterior of the dwelling. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged.

The Parks Canada Rideau Canal Office is an approval authority for in-water and shoreline works along the waterway. If the landowner wishes to carry out any new in-water and shoreline works for shoreline access, including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to the Rideau Canal's Policies for In-water and Shoreline Works and Related Activities. Parks Canada/Rideau Canal permitting staff can be reached by contacting 613-283-7199 (Craig Cunningham ext 284) or craig.cunningham@canada.ca.

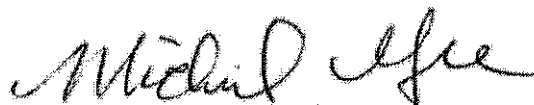
Conclusion and Recommendations

In conclusion, the RVCA and Parks Canada-Rideau Canal Office 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 and Parks Canada - Rideau Canal Office 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
11

- craig.cunningham@canada.ca; Millar, Susan susan.millar@canada.ca
- Emma Bennett <emma.bennett@rvca.ca>; Matt Jokiel <matt.jokiel@rvca.ca>
- Meaghan McDonald meaghan.mcdonald@rvca.ca

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