

Township of McNab/Braeside Committee of Adjustment

A meeting of the Committee of Adjustment was held on April 24, 2023 at 7:00 p.m. at the Township's Municipal Office.

Members Present: Jacqueline Asselin Chairperson
Lori Hoddinott Member
Mackie J. McLaren Member

Staff Present: Anne McVean, County Planner (Secretary-Treasurer)

The Secretary-Treasurer advised that this was the first hearing with this Committee for the new term of Council and as identified in By-law 2022-98 under Section 44(1) of the Planning Act, the members of the Committee are to appoint a new Committee Chair. An acting Chair, can also be appointed, should the Chair not be present for a hearing.

It was moved by Member Hoddinott and seconded by Member McLaren, that Member Asselin be appointed as Chair.

It was then moved by Member Hoddinott and seconded by Chair Asselin, that Member McLaren be appointed as Acting Chair, in the absence of the Chair Asselin.

HEARINGS

A-1/23 Sharon Anne Holzman and Elliott Austin Holzman – 908 Archibald Street

Chair Asselin opened the Hearing at 7:03 p.m.

Members were asked to state any financial interest and the general nature thereof before the item is discussed under the Municipal Conflict of Interest Act. **No disclosures** of pecuniary interest were declared at this time.

Moved by Member McLaren and seconded by Member Hoddinott that the November 28, 2022 minutes be approved as circulated. **Carried.**

The applicants were present for the hearing. There were no members of the public in attendance.

Ms. McVean, the County Planner read the Notice of Hearing then explained the nature and purpose of the application being a request to reduce the maximum encroachment into a rear yard and to permit an encroachment into the east side yard, to permit an accessory deck for the existing dwelling at 908 Archibald Street.

Ms. McVean, confirmed the date of receipt of the application and circulation of the notice of hearing, in accordance with the Planning Act. Ms. McVean also summarized the only comments received, which were those from the Township. The comments identified no concern with the proposed variances, but that a building permit is required for the deck. The location of the shed within the front yard, near Archibald Street, was noted. There were no comments received from any members of the public. She noted that Ontario Power Generation was circulated for comment and it had not responded.

The Planner summarized the Planning Report, identifying the various constraints for the property, in terms of both the physical characteristics of the lot, and planning requirements. The lot is a long-existing undersized waterfront lot. The deck is being added to a recently updated legal non-conforming dwelling, that is located close to the west side lot line and within the standard 30 metre water setback. The site also contains a septic system and well. The lot is also affected by the Ottawa River floodplain. Surveying identifies that the elevations, on the lot, where the deck is proposed are above the regulatory flood elevation. Both the Official Plan and Zoning By-law have built-in policies and provisions that provide relief for undersized lots and legal non-conforming uses. During the review of the application, staff identified additional encroachments related to the stairs required for the deck. The stairs would encroach into the west side yard, further into the rear yard and into the east side yard. All of the encroachments were analyzed in relation to the constraints on the property and the nature of the surrounding lots. The conclusion was that the proposed encroachments meet the required four tests under the Planning Act, maintaining the purpose and intent of both the Official Plan and Zoning By-law, that the proposal is desirable and can be considered minor in nature. Ms. McVean read the recommendation, detailing the various variances required for the deck and stairs into the rear yard, and the east and west side yards. The resulting setbacks from the rear, west and east lot lines were noted. As part of the recommendations, the further encroachment of the steps into the rear yard should be limited to go no further than the east side of the walkway that they will connect to and that the deck should always remain unenclosed.

Chair Asselin asked if the Committee members had any questions. Member Hoddinott asked staff if the Fire Chief had provided comments with regards to safety related to the proposed encroachments. Ms. McVean confirmed he had not. Member McLaren noted that the planning report was very detailed.

Chair Asselin then asked the applicants if they wished to address the Committee with any comments or questions. Mr. Holzman, said he and his wife Sharon own the property, and he is also a professional land use planner. He noted that he had another professional planner provide a planning report in support of the application, which found the proposal to be appropriate. He provided a brief history of the property and the improvements they have made. He spoke to the context of the lot and the constraints due to its size. He also provided justification for the encroachments and spoke of similar development on waterfront lots along Rhoddy's Bay. He noted that he and Sharon are satisfied with the staff recommendation.

Chair Asselin then asked if the Committee members had any comments or questions. Both Member McLaren and Member Hoddinott indicated they had no questions. Chair Asselin called for a vote, which was unanimously in favour of granting the minor variance as set out in the draft Decision prepared by staff. **Carried.**

Ms. McVean explained the next steps for the issuance of the Notice of Decision and the 20 day appeal period.

Delegations: Nil

Discussion: The Committee considered all the comments and voiced their comments.

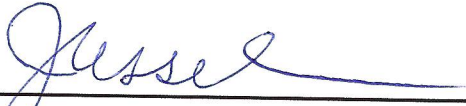
Correspondence: Nil

Unfinished Business: Nil


New Business: Nil

Next Meeting: To be determined.

Adjournment.: There being no further business the Chair adjourned the meeting at 7:28 p.m.



Chair Asselin



Secretary