

**Township of McNab/Braeside**  
**Committee of Adjustment**

A meeting of the Committee of Adjustment was held on October 30, 2023 at 11:00 a.m. at the Township's Municipal Office.

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

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

Chairperson Asselin opened the hearing at 11:00 a.m., with the land acknowledgement and introduction of the Committee members and staff present. The purpose of the hearing for minor variance was confirmed.

Moved by Member Macke M. McLaren and seconded by Member Lori Hoddinott that the minutes of the April 24, 2023 hearing be approved as circulated. **Carried.**

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.

Chairperson Asselin advised that all persons present would be given the opportunity to ask questions or provide comment, and at the end of the hearing the Committee will render a decision, to be read aloud before signing by the Committee.

**HEARING**

**A-02/23 2468395 Ontario Inc. (Agent: Kimberly Telford)**

The applicants, Mr. Greg Palubiskie for 2648395 Ontario Inc. and his agent, Kimberly Telford were present for the hearing. One member of the public, Tyler Francis, of 15 Hill Road, Arnprior was also 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 minimum front yard depth, and reduce the setback from the high water mark to permit the expansion of a legal non-complying dwelling footprint, and allow a second storey for the existing dwelling footprint, with proposed building footprint enlargement, at 22 Goodwin Lane.

Ms. McVean, confirmed the date 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 Building Department noted that the septic setback clearances must be in accordance with the Ontario Building Code, and any additional bedrooms would require a new design and assessment of the existing septic system. The Public Works Department confirmed the lot has private road access and does not directly abut the Township road. The Fire Department recommended hydro services to the new dwelling be underground to reduce risk from overhead wires. Ms. McVean noted that the Ministry of Mines and Ontario Power Generation were also circulated, but no responses were received. No other comments were submitted.

The Planner summarized the Planning Report, highlighting the main issues as they related to the redevelopment of the lot. The issues included significant valleylands, a fish spawning area, flood elevations and leda (slip) clays related to Dochart Creek, floodplains of the Ottawa River, the existing retaining wall versus a naturalized shoreline, a minimum 20 metre water setback required for an undersized lot, a mining hazard approximately 500 metres away, and private well and septic services for the lot. She explained that the requirement for the Environmental Impact Study (EIS) as it relates to the significant valleyland and spawning area can be waived as set out in the Official Plan, provided best management practices are used during and after reconstruction. FDRP mapping is available that shows the dwelling outside the floodplain. The slip clays are considered a potential hazard for development and a geotechnical study is recommended to ensure development can be safely accommodated on site, and that the Committee's decision is appropriate. No concerns have been raised by Ministry of Mines or Ontario Power Generation.

The other matters to be considered relate to impact on the neighbouring residential development. The Planner noted that there is no impact to the north, as it is the Ottawa River. The Dochart Creek creates separation from dwellings on the other side of the creek. Immediate residential uses to the southwest have intervening accessory buildings. The greatest impact would be to 20 Goodwin Lane, which the applicants are ensuring the new two storey dwelling will remain offset from it. The neighbourhood is a mix of one and two storey dwellings. There is an existing deck but there is no record of a permit. It must be considered as a new use. This is a normal accessory use to the dwelling. Although almost a 50% reduction in water setback from 20 metres to 11 metres is requested, it is a contextual matter. This deck will have little impact on abutting uses.

The Planner reviewed the recommendations to approve the requested minor variances subject to conditions for a geotechnical study, and a development agreement registered on title that will implement any requirements of the geotechnical study, and also implement best management practices such as the use of silt fencing during construction, prompt replacement of vegetation on bare soils, and managing stormwater from eavestroughing.

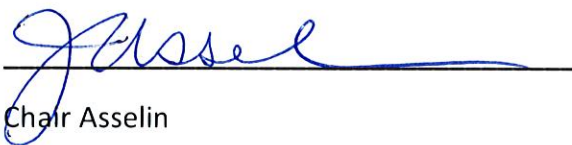
The Chair asked Committee members for any questions. Member Hoddinott asked for clarification of the term "private services"? Ms. McVean answered that it references private well and septic servicing

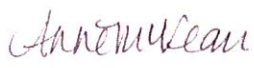
the lot. The applicant/agent was then asked to address the Committee. Mr. Palubiskie stated that it is their first time dealing with building and development. The Planning Report was thorough and detailed and the findings make sense. Chairperson Asselin then asked if any member of the public wished to speak. Mr. Tyler Francis of 15 Hill Road explained that he lived in the neighborhood and was concerned primarily with the new 2<sup>nd</sup> storey, that it would block his view of the Ottawa River and create a privacy issue for him. Staff and Committee reviewed mapping and confirmed the location of Mr. Frances' lot with him. The Chair asked for staff comments. Ms. McVean commented that Mr. Frances' lot is a fair distance from the subject lands and not right next door. She explained that the subject lands are zoned R1 which permits a 2<sup>nd</sup> storey; if the current dwelling met all the required setbacks, the owner could put a 2<sup>nd</sup> storey on the dwelling. The Chair asked the Committee members if they had any questions for the public. Member McLaren asked Mr. Frances if his dwelling was at the top of the hill in its location. He replied it was maybe halfway up the hill. Member McLaren then asked the applicants if the proposed building height would be a standard 2 storey dwelling? The applicant confirmed it would be. Member McLaren commented that the Committee is considering variances to building setback requirements not height requirements. The dwelling will meet the height requirements of the Residential One (R1) Zone. Chair Asselin commented that the Planning Act would not govern views; that would be more of a civil matter, for which there is case law.

In response to the Chair's call for any further discussion, the Committee and members of the public that were present offered none. Chair Asselin asked Ms. McVean to read the decision, which she did. The Chair asked if the Committee was satisfied with the decision and if so, requested a show of hands. Both Members McLaren and Hoddinott endorsed the decision with a show of hands.

At the request of the Chair, Ms. McVean read the appeal rights as set out in the Planning Act. She explained the notice of decision to be given and the 20 day appeal period starting the date the decision is made.

Chair Asselin declared the hearing over at 11:35 a.m.

  
Chair Asselin

  
Secretary