

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

A meeting of the Committee of Adjustment was held on March 11, 2024 at 10:30 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)  
                              Bruce Howarth, Manager of Planning Services, County of Renfrew

**Public:**                 Jonah Bonn, Landscape Limited, Applicant (Agent)  
                              John Boef, Applicant  
                              Steven Charron

Chairperson Asselin opened the hearing at 10:30 a.m., with the land acknowledgement and introduction of the Committee members and staff present. The purpose of the hearing for minor variances was confirmed.

Moved by Member Hoddinott and seconded by Member McLaren that the minutes of the January 30, 2024 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-1/24 Gloria Rockwell (Agent – Jonah Bonne, Landscape Ltd.) – 106 Lorlei Drive**

The applicant's agent Mr. Jonah Bonn was present for the hearing. No other members of the public were in attendance for this application.

Ms. McVean, the County Planner explained the nature and purpose of the application being a request to permit a gazebo with a decreased water setback from the high water mark of the Madawaska River,

from 30 metres to 29.6 metres; and to permit a shed with a decreased setback from the west side lot line, from 3.0 metres to 1.73 metres on the subject lands at 106 Lorlei Drive.

Ms. McVean, explained that this is the second hearing for this application. An initial hearing was held on January 30, 2024, wherein the Committee accepted staff's recommendation to hold the application in abeyance until the Township Council had an opportunity to review the application and provide comments to the Committee. Council comments have now been received. Ms. McVean then confirmed the date and circulation of the notice of this hearing on February 26, 2024, and posting on site as of March 1, 2024, in accordance with the Planning Act. Ms. McVean summarized both the public and agency comments received for the first hearing and additional comments received from Township Council, Ontario Power Generation (OPG), and the abutting neighbour at 114 Lorlei Drive. Township Council does not recommend the variances. OPG provided comments on proposed conditions of approval pertaining to structures on their lands, and Mr. Desai/Ms. Hamilton of 114 Lorlei Drive expressed concern regarding the proposed reduced setback of the shed abutting their lot line, deferring to the Committee's decision.

The County Planner referenced the updated planning report, dated March 1, 2024, before the Committee explaining that the report sections for comments received, planning analysis and recommendations had been updated; the rest of the report reflects the previous staff planning report, dated January 25, 2024. The updated report recommends that the variance for a reduced side yard setback for the shed not be approved. Ms. McVean explained staff was of the opinion that the shed eaves reduced the setback to 1.3 metres from the lot line. Based on the Rural Official Plan policies, Zoning By-law setback provisions, the length of the building, the size and setting of the property, and impacts on the abutting property, that the proposed side yard setback reduction does not meet the four tests of the Planning Act. It does not meet the standards in the Official Plan and Zoning By-law for rural development, and cannot be considered minor or desirable. The updated report does, however, recommend approval of the 0.4 metre reduction to the high water mark setback for the gazebo, subject to conditions requiring the boat house/shed on the OPG lands being removed and mitigation measures to protect the waterfront during the removal of the non-complying greenhouse foundation and on-going use of the gazebo.

Member Hoddinott conveyed Council's concerns about the application. She is concerned about the use of the gazebo and would like to see the conditions modified to prohibit well and septic connections, accommodations for food preparation and sleeping, and habitation of the gazebo. Member McLaren agreed with that proposal.

Mr. Jonah Bonn with Landscape Ltd., and agent for the provided a PowerPoint presentation that outlined the reasons why the requested variances should be supported, based on the four tests of the Planning Act. Regarding the shed, it was placed as such to avoid removing trees; it is placed on helical piles so there are no ground impacts; eaves troughing can be installed to re-direct roof water away

from the shared lot line. The view from 114 Lorlei Drive is mostly screened by the fence and trees. It is only being used to store seasonal equipment, furniture, etc. keeping it all out of sight. The shed will have minor impacts. Regarding the gazebo there will be no impact on the waterfront based on the studies provided, and it is screened from the river by trees. Mr. Bonn agreed with Member Hoddinott's proposal to prohibit well and septic connections, and habitation. That was never intended. However, Mr. Bonn challenged the authority of the Committee to include the removal of waterfront buildings on OPG lands and the proposed 6-month deadlines in the proposed conditions for the minor variance. He confirmed that the building structures at the waterfront are located on the floating dock. He opposes those conditions and prefers to deal separately with OPG as it is his client's intent to request of OPG that all waterfront structures remain so he does not want that tied to the minor variance approval.

The Chair asked Committee members for any questions or comments. Member McLaren commented that he understands Council's position when its' by-law have been disregarded and it puts the Committee of Adjustment in an unfair position. Member Hoddinott believes the shed will negatively impact the neighbour. The location is not in the spirit of the Township's planning documents for rural areas. Stipulations will be required if the 40 cm variance for the gazebo is approved. Chair Asselin stated her own experience with OPG is that their requirements are strict. The Committee members expressed concern about precedent.

Mr. Bonn stated he does not condone what the property owner has done and he is not looking for forgiveness. The proposed variances have to be considered as if the buildings are not there and the Committee must decide based on the merits of the four tests under the Planning Act.

Mr. Howarth addressed the Committee and Mr. Bonn confirming that the Committee can incorporate OPG's concerns in its conditions of approval. He confirmed OPG has its own separate process for non-compliance issues that can be long, expensive and involve the courts. Regardless of the OPG issues with the existing boathouse/shed and the Official Plan policies for "waterfront area" structures, the boathouse/shed do not meet the Township's Zoning By-law minimum 30 metre setback from the highwater mark, which is enforceable. No variance permission has been requested for the boathouse/shed water setback therefore, those structures must be removed.

Chair Asselin requested Ms. McVean read the draft decision to refuse the variance for the shed, and approve the gazebo with conditions. The Committee agreed with the proposed decision, but directed changes to: Condition a) by removing reference to permits for well and septic and instead prohibiting water and septic connections, accommodations for sleeping and/or food preparation, and human habitation; Condition d) by making changes as requested by OPG; and Condition e)(vii) by adding that the applicant apply for an OPG Waterfront License, and that any buildings on the deck/dock are removed within 6 months of the Committee's decision. 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.

#### **A-2/24 John Boef (Owner) 64 Moreu Road**

The owner/applicant Mr. John Boef was present for the hearing. Steven Charron was also in attendance for this application.

Ms. McVean, the County Planner explained the nature and purpose of the application being a request to permit a secondary dwelling unit on a waterfront residential lot.

Ms. McVean confirmed the date and circulation of the notice of this hearing on February 26, 2024, in accordance with the Planning Act. She confirmed that notice was also posted on site, on February 29, 2024. Ms. McVean confirmed that comments were received from the Township staff, with no concerns being identified. The Building Inspector did note that the size of the septic system may need to be increased. Township Council's comments recommended the approval of the application. The only public comment received was from Peter Anas who supports the application as a way of providing an additional dwelling, more affordably.

The County Planner referenced the planning report, dated March 1, 2024, before the Committee. Ms. McVean explained the setting of the subject lands, being a large (8-acre) lot that is relatively isolated from other development, located at the dead-end of Moreau Road and surrounded by Lake Madawaska and large farm parcels. Although it is designated and zoned Agriculture, it functions as a rural residential lot. The issue is to ensure the addition of a second dwelling on the lot will not negatively impacting the water quality of Lake Madawaska and that the site is appropriate in terms of well and septic services, in accordance with Official Plan policy 2.2(24)(2). The required study was submitted with the application. It confirms that the proposed development of a 85 square metre dwelling will have low impacts, and with recommended mitigation measures the impact will be negligible. The study notes that the property is largely mown fields and is not likely to be habitat for threatened and endangered small bird species. The study provides a number of recommended mitigation measures to achieve negligible impact. The owner also proposes to tie the secondary dwelling into the existing well and septic system servicing the main dwelling. The existing well yield exceeds Ministry requirements and the site consists of clay soils. Staff is satisfied that the site is appropriate in terms of servicing based the large lot size and the proposed setback to the Madawaska River that includes naturally vegetated lands owned by Ontario Power Generation. Despite the lot's location, the proposed dwelling will not be impacted by Minimum Distance Separation (MDS1) or the

Madawaska River floodplain, and exceeds the minimum water setback. The planning report includes recommendations from the submitted study, some of which staff proposes be modified to reflect the small scale and low intensity of the development for the proposed lot size. Staff proposes commonly used best management practices to reduce the potential for ground surface sediment transfer to Lake Madawaska, both during and after construction. The planning report concludes that the requested variance meets the four tests of the Planning Act.

Chair Asselin asked Mr. Boef if he wished to address the Committee. He stated that he did not. Members of the public were invited to speak. None did. The Chair asked if the Committee members had any questions. Member Hoddinott commented that this proposal fit with the Township's strategic plan. It is looking for this type of development and providing affordable housing types. Member McLaren stated this application would not be precedent setting. There was no further discussion.

The Chair asked Ms. McVean to read the proposed Decision for the Committee's consideration. The Chair then 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 12:12 p.m.



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Chair Asselin



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Secretary