

Township of McNab/Braeside
Committee of Adjustment

A meeting of the Committee of Adjustment was held on July 10, 2024 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)

Public: Emily Prospero (Owner/Applicant)
 Daniel Kildey (Owner)
 David Lemenchick, 2280 Burnstown Road
 Kim McDonald, Power of Attorney for Russ McDermid, 2280 Burnstown Road

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 Mackie M. McLaren and seconded by Member Lori Hoddinott that the minutes of the May 22, 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-5/24 Emily Prospero, Daniel Kildey (Owners)
Emily Prospero (Agent)

Both land owners/agent were present. Two members of the public were in attendance.

Ms. McVean the County Planner summarized the Notice of Hearing, explaining the nature and purpose of the application being a request to permit a reduced minimum lot sized to permit a home industry (coffee roastery) in the Rural (RU) Zone at 2328 Burnstown Road.

Ms. McVean noted for those present that the public notice referenced, in error, the existing lot area as 3925 square metres when it should have read 3885 square metres, the latter being the surveyed lot area of the property. She continued confirming the date and circulation of the notice of hearing on June 20, 2024, in accordance with the Planning Act. She also confirmed the notice was posted on site on June 21, 2024. Agency comments were received on July 5, 2024, from the County of Renfrew Public Works and Engineering Department which has no comments or concerns. Township staff provided comments on July 10, 2024. The Building, Public Works and Fire Departments all had no concerns. Ms. McVean noted that Council had not commented as it does not meet during the month of July.

The Planner summarized the Planning Report, highlighting that a home industry is permitted on a 4047 square metre lot in the Rural (RU) Zone. The subject property is slightly smaller at 3885 square metres, and requires the variance to allow the home industry use. She described the characteristics of both the subject lot and the surrounding land uses.

Ms. McVean explained that the Committee is required to consider a minor variance in light of the four tests set out in the Planning Act – does the variance requested meet the intent of the Official Plan, and the intent of the Zoning By-law; is the variance minor; and is it desirable? The relevant Official Plan policies and Zoning By-law provisions were reviewed. The criteria for a home industry, as set out in Section 3.11 of the Zoning By-law was explained and how the proposed use can meet the criteria. Ms. McVean confirmed that the proposed use, in the context of the undersized lot, meets the intent of the Official Plan policies, and the Zoning By-law. The variance can be considered minor as the lot is only 162 square metres less than the required lot size, the lot is not overdeveloped, no new buildings are proposed, and the use will not negatively impact surrounding properties and land uses. Lastly, the lot size is existing and the proposed use will not create any noticeable change in the property which meets the intent of home industries. The variance can be considered as desirable. Subject to any additional comments or concerns raised at the hearing, Ms. McVean recommended the variance to Section 17.2(a)(i) of the Rural Zone for a reduced 3885 square metre lot be granted for a home industry use on the subject lands.

The Chair asked the Committee members if they had any questions or comments of the Planner. There were none.

The owners/agent were asked if they wished to address the Committee. They said they did not. Chair Asselin noted that Mr. Kildey who is present, is part owner but was not listed on the application form. He confirmed he is part owner of the property and consents to this application for minor variance.

The Chair then asked the Committee members if they had any questions of the owners/agent. There were no questions.

Lastly, the Chair asked in any other persons wished to address the Committee? Kay McDonald, stated that she is Power of Attorney for her father Russ McDermid who owns the property surrounding the subject lands. They are concerned about the size of the operation and negative impacts from the

smoke emissions created by roasting. The prevailing winds will carry the smoke which may impact if they build a dwelling on the abutting property, even though there are trees as a buffer. She questioned if it would be powered by electricity and/or propane. They are also concerned how big this operation might get if it is successful, producing more emissions. They asked if the lot was sold could the new owner start up a new industry. She also highlighted toxins that can impact the operator without proper ventilation.

Mr. Kildey responded that this will be a full electric system with ventilation. It will be a small 12 lb. roaster that produces 10 lbs. per batch.

Ms. McVean responded that the Committee could limit the home industry use to just the coffee roaster. Also, the Zoning By-law is a municipal by-law that is enforceable. If there is a complaint regarding any use on any property, and that use is not meeting the provisions of the by-law, the Township will follow-up on the issue and require compliance.

Member McLaren explained that home industry permits only small operations. If operations are successful and need to expand they should be locating to another suitable location. Ms. McVean expanded stating that the By-law defines home industry providing examples and they are not large industries but could be described as small industrious type uses that allow home owners to run a small business with low capital costs.

Member Hoddinott stated that she did not agree with narrowing the scope of use. The provisions set out criteria for home industries which must be met no matter what the use.

Discussion between the applicant and Ms. McDonald end in a mutual understanding of the use and potential issues.

Upon the request of Chair Asselin, Ms. McVean read the draft decision to approve the requested variance for a reduced lot size to permit a home industry. The Chair asked if the Committee was satisfied with the decision and if so, requested a show of hands. All members 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 11:32 a.m.



Chair Asselin



Secretary