

Township of McNab/Braeside
Committee of Adjustment

A meeting of the Committee of Adjustment was held on July 25, 2024 at 1:00 p.m. and 1:30 p.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)
Rajat Ali, Junior Planner, County of Renfrew
Nicole Moore, Junior Planner, County of Renfrew

Public for File

No. A-7/24: Eugen Mihaescu (Agent)

Public for File

No. A-8/24: Krista Aselford (Owner/Applicant)
Steve Pentz (NOVATECH Planning Consultant)
Tyrell Watkins (NOVATECH Planning Consultant)
Sara Stockton (Abutting Property Owner)
Dave Hamilton (Agent of Abutting Property Owner)

Chairperson Asselin opened the hearing at 1:00 p.m., with the land acknowledgement and introduction of the Committee members and staff present. The purpose of the hearing for the minor variances A-7/24 and A-8/24 was confirmed.

Moved by Member Mackie M. McLaren and seconded by Member Lori Hoddinott that the minutes of the July 10, 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 (1:00pm)

A-7/24 Robyn Lamorie and Nicholas Tourangeau (Owners) RMA+SH Architects (Agent)

The agent was present. No members of the public were in attendance.

Mr. Ali the County Junior Planner read the Notice of Hearing, then explained the nature and purpose of the application being a request to permit a reduced the minimum front yard (Findlay Street), and reduce the minimum exterior side yard (Centre Street) in order to permit the replacement of a front porch and stairs, and the installation of a new vertical platform lift (for accessibility) in the Residential One (R1) Zone.

Mr. Ali, confirmed the date and circulation of the notice of hearing on July 4th, 2024, in accordance with the Planning Act. He further confirmed the notice was also posted on site on July 11, 2024.

Comments were received from Township on July 10th, 2024. The Director of Public Works has indicated that the Township has plans to reconstruct Findlay Street and Centre Street. It is recommended that the Township Public Works Department be contacted prior to setting grades for lift.

As the lot is on a corner, the Township cannot limit amount of snow distributed at the front of the property. The property owner can consider a barrier between the lift and the front lot line be installed to eliminate the risk of the lift being damaged by snow tailings from Township ploughs during the winter months. It is recommended that the Public Works Department be further consulted at the time of the building permit. The Fire Department had no comments. No comments were received from Council, as they were adjourned for the summer. The County of Renfrew Public Works and Engineering Department has no comments or concerns.

The Planner summarized the Planning Report, highlighting that the proposed development meets all of the requirements of the Official Plan and the Zoning By-law, except the front yard depth, exterior side yard and the requirements of Visibility Triangle at Intersection in the Residential One (R1) Zone. The pre-existing house is grandfathered with legal-non conforming setbacks. By seeking a minor variance, the applicant aims to adjust the setback requirement to improve the access to the house. This aligns with the intent of preserving the building's current footprint and use without significant alterations. The proposed replacement would be at the same location however slightly larger than the existing porch, which is negligible.

It is staff's opinion that for these reasons, the requested minor variance meet the four tests of the Planning Act (1) it meets the general intent of the Official Plan and (2) is meets the general intent of the Zoning By-law; (3) it represents desirable development; and (4) it can be considered as minor. The recommendation is to approve the minor variance.

The Chair asked the Committee members if they had any questions or comments of the Planner. Member Lori Hoddinott spoke and asked how stairs and lift will be prevented from Township snow plowing or any damage caused by snow. Eugen Mihaescu who was acting as agent introduced himself and explained a fence will be proposed in order to prevent damages to the lift. The Chair asked the Committee members if they had any questions of the owners/agent. There were no questions, but both Members Hoddinott and McLaren expressed their support for this application.

Upon the request of Chair Asselin, Mr. Ali read the draft decision to approve the requested variance. 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.

HEARING (1:30pm)

A-8/24 Krista Aselford (Owner/Agent)

The owner was present. Steve Pentz and Tyrell Watkins of NOVATECH, who were involved in the application process, were also present. Other members of the public in attendance included Sara Stockton, an abutting property owner, and Dave Hamilton, an agent of an abutting property owner.

Ms. Moore, the County Junior Planner, read the Notice of Hearing, then explained the nature and purpose of the application being a request to permit a secondary dwelling unit (coach house), 5.5 metres in height, in the front yard of a 0.4 hectare waterfront lot, in the Limited Service Residential (LSR) Zone at 90A Mitchell Lane.

Ms. Moore confirmed the date and circulation of the notice of hearing on July 8, 2024, in accordance with the Planning Act, and its recirculation on July 12, 2024. She further confirmed the initial notice was posted on site on July 9, 2024. Comments were received from several sources, and were discussed during the meeting. They are as follows:

- Richard McCartney of 90B Mitchell Lane – He inquired if the meeting could be moved and requested more information on the application.
- Shannon Roch, Sara Stockton, and Dave Hamilton, who are associated with the abutting property containing Mitchell Lane – They wanted to ensure that any damages to the road or surrounding property were avoided and discussed in advance with the property owners.
- Township of McNab/Braeside – The Building Department noted that an engineered design will be required for a new tertiary sewage treatment system. The Public Works Department noted that an additional garbage levy would be applied to the property. The Fire Department had no comments. No comments were received from Council, as they were adjourned for the summer.

The Planner summarized the Planning Report, highlighting a scoped Hydrogeological Assessment and Terrain Analysis and a Planning Justification letter were submitted with the application, pursuant to policies of the Official Plan and provisions of the Zoning By-law regarding secondary dwellings on smaller-sized lots and waterfront lots. These documents confirm that the property can support a secondary dwelling on private shared services in regards to: potable water (quality and quantity), managing nitrates below Ministry limits, and no impacts on the adjacent waterbody, provided recommendations of the documents are implemented. A new tertiary treatment system was required by the Hydrogeological Assessment and Terrain Analysis to service the primary and secondary dwelling.

It was also explained that the proposed secondary dwelling unit meets all of the requirements of the Official Plan and the Zoning By-law, except the secondary dwelling zoning provisions that relate to: restricted use on lots between 0.4 and 0.8 hectares and waterfront lots, maximum building height, and restricted use in the front yard of a Limited Service Residential (LSR) Zone. The Hydrogeological Assessment and Terrain Analysis, Planning Justification letter, and their recommendations fulfill the requirements of the lot size and waterfront lot policies. The rear yard is limited in space compared to the front yard, and there is sufficient vegetation along the front lot line to provide screening. Further, the proposed height increase is minimal, will continue to ensure the dwelling remains secondary, and is screen-able to adjacent properties. No trees are proposed to be removed, and it was implied that setback requirements will be met. Lastly, the requested relief will provide an additional housing unit that has a design appropriate for the proposed building and land use.

It is staff's opinion that for these reasons, the requested minor variance meet the four tests of the Planning Act: (1) it meets the general intent of the Official Plan and (2) is meets the general intent of the Zoning By-law; (3) it represents desirable development; and (4) it can be considered as minor. The recommendation is to approve the minor variance, with the recommendations of the reports submitted with the application to be listed as conditions.

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 had any comments. Steve Pentz of NOVATECH and reviewer of the Planning Justification letter noted that he was available for questions on behalf of the owner Ms. Aselford, who was also present. The Chair asked the Committee members if they had any questions of the owner or Mr. Pentz. There were no questions.

The Chair asked if members of the public present had any comments. Dave Hamilton spoke on behalf of his nieces, who are the owners of the abutting property and Mitchell Lane. He relayed their concerns about impacts to the road, working sugar bush, and culvert at the bottom of the valley from construction vehicles accessing the property. Mr. Pentz responded by noting that there is an existing concrete slab present which the secondary dwelling will be situated on, and the dwelling is made of pre-fabricated materials that will be assembled on site. These measures, in addition to those recommended in the reports, will minimize impacts to the road, existing trees, and adjacent lands. Pursuant to this comment, Member Lori Hoddinott inquired if there were any Township comments

about the private road. Ms. Moore noted that initially there were, but they were withdrawn in the amended comments because the private road is not a municipal issue.

Chair Asselin suggested that the owner and adjacent property owners discuss the matter further after the meeting. Sara Stockton, one of the nieces Mr. Hamilton was representing and an owner of the abutting property, addressed the Committee. She commented that Mitchell Lane is a right-of-way, and that there is a historical agreement with the owners who use the road for access regarding cost sharing and road maintenance. Discussion occurred between Committee members regarding Mr. Hamilton and Ms. Stockton's comments. The owner commented that she will coordinate with the adjacent property owners and work with them to establish a more formal road agreement. The Committee reiterated that the matter of the private road was outside of their jurisdiction, and encouraged cooperation between the property owners to resolve the matter.

Upon the request of Chair Asselin, Ms. Moore read the draft decision to approve the requested variances. Member Lori Hoddinott requested that the recommended conditions be required. Township staff requested clarification on Condition 2, which was provided by Member Lori Hoddinott. 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. Moore 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 2:12 p.m.



Chair Asselin



Secretary