

**TOWNSHIP OF McNAB/BRAESIDE
COMMITTEE OF ADJUSTMENT
AGENDA**

**Wednesday, October 2, 2024 - 1:00 p.m.
Township Municipal Office
2473 Russett Drive**

1. Call to open hearing.
2. Minutes of the previous hearing, August 8, 2024.
3. Declaration of a Pecuniary Interest (Money/Financial).
4. Consideration of Application No. A-10/24
184 Kippen Road – David Green
 - (a) Purpose of the Application
 - (b) Confirmation of Dates
 - (c) Confirmation of Notice
 - (d) Reading of Written Comments
 - (e) Overview of Planning Report
 - (f) Discussion and Public Participation
6. Decision by Committee for Application No. A-10/24, or call for a further hearing if required.
7. Appeal Rights
8. Other Business
9. Adjournment

CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE
2473 Russett Drive, Arnprior, Ontario K7S 3G8

Application for Minor Variance

Note: The "*" identifies prescribed information outlined in Ontario Regulation 200/96

PART I GENERAL INFORMATION

1. APPLICANT/OWNER INFORMATION

- a) *Applicant's Name(s): DAVID GREEN
*Address: 184 KIPPEN ROAD, WHITE LAKE KOA 3LO
*Phone #: Home () Work (613) 595-3325 Cell (613) 863-7564
E-mail: dgreen67@gmail.com
- b) *The applicant is: the registered owner an agent authorized by the owner []
- c) If the applicant is an agent authorized by the owner, please complete the following:
*Name of Owner: _____
*Address of Owner: _____
*Phone #: Home () Work () Cell ()
- d) To whom should correspondence be sent? Owner [] Applicant [] Both []

2. *PROVIDE A DESCRIPTION OF THE SUBJECT LAND:

Street Address: 184 KIPPEN ROAD

Concession: 5 Lot: 7W

Registered Plan No.: 49R4092 Block or Lot No(s). in the Plan: _____

Reference Plan No.: _____ Part No(s): 2-4

3. *CURRENT DESIGNATION OF THE SUBJECT LAND IN THE OFFICIAL PLAN (IF ANY):

RURAL

4. *CURRENT ZONING OF THE SUBJECT LAND:

RURAL

PART II **DETAILS OF THE APPLICATION**

5. ***PLEASE STATE THE NATURE AND EXTENT OF THE RELIEF FROM THE ZONING BY-LAW**

I REQUIRE RELIEF FROM ZONING BYLAW 3.31 b) - OUTDOOR FURNACES SHALL BE LOCATED A MINIMUM OF 100m FROM A LOT LINE.

6. ***WHAT IS THE REASON WHY THE PROPOSED USE CANNOT COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW?**

DISTANCE FROM PROPOSED SITE OF OUTDOOR WOOD FURNACE TO NORTHWEST PROPERTY BOUNDARY IS 64m

7. ***DIMENSIONS OF THE SUBJECT LAND:**

Frontage: 175m Depth: 670m Area: 48.6 ACRES

8. ***PLEASE MARK BELOW THE ACCESS TO THE SUBJECT LAND:**

Provincial Highway Municipal Road Maintained All Year
 Municipal Road Maintained Seasonally Right Of Way Water
 Other Public Road: _____

9. ***IF THE ONLY ACCESS IS BY WATER, PLEASE STATE BELOW THE PARKING AND DOCKING FACILITIES THAT ARE TO BE USED, AND THE DISTANCE OF THESE FACILITIES FROM THE SUBJECT LAND AND FROM THE NEAREST PUBLIC ROAD:**

10. ***WHEN WAS THE SUBJECT LAND ACQUIRED BY THE CURRENT OWNER?**

APRIL 28, 2023

11. ***WHAT ARE THE EXISTING USES OF THE SUBJECT LAND AND HOW LONG HAVE THEY CONTINUED?**

#1 RESIDENTIAL Since: APR. 28/23 1) Years
#2 UNKNOWN Since: 1922 1) Years

12. ***ARE THERE ANY BUILDINGS OR STRUCTURES ON THE SUBJECT LAND?**

Yes No

13. ***WHAT ARE THE "PROPOSED" USES OF THE SUBJECT LAND?**

NEW OUTDOOR WOOD FURNACE

14. *WILL ANY BUILDINGS OR STRUCTURES BE BUILT ON THE SUBJECT LAND?

Yes CONCRETE [] No
PAD FOR FURNACE

15. *PROVIDE THE FOLLOWING DETAILS FOR ALL EXISTING OR PROPOSED BUILDINGS OR STRUCTURES ON THE SUBJECT LAND: (use a separate page if necessary)

	EXISTING			PROPOSED	
Type of building or structure	SEE ATTACHED			SEE ATTACHED	
Setback from the front lot line	BUILDING/SETBACK			BUILDING/SETBACK	
Setback from the rear lot line	CHART AND SKETCHES			CHART AND SKETCHES	
Setbacks from the side lot lines					
Height (in metres)					
Dimensions or floor area					
Date constructed					

16. *INDICATE HOW WATER IS SUPPLIED AND HOW SEWAGE DISPOSAL IS PROVIDED TO THE SUBJECT LAND:

WATER

SEWAGE

publicly owned and operated piped water system [] publicly owned and operated piped sanitary sewage system []
 privately owned and operated individual well publicly owned and operated communal septic system []
 privately owned and operated communal well [] publicly owned and operated individual septic system []
 lake or other water body [] privately owned and operated individual septic system
 other means: _____ [] privy []
 Other means: _____ []

17. *HOW IS STORM DRAINAGE PROVIDED?

Sewers [] Ditches Swales [] Other Means []

18. *IS THE SUBJECT LAND ALSO THE SUBJECT OF AN APPLICATION FOR APPROVAL OF A PLAN OF SUBDIVISION OR CONSENT? Yes [] No Don't Know []

*IF YES, PLEASE STATE, IF KNOWN, THE FILE NO. AND THE STATUS OF THE APPLICATION:

File No.: _____ Status: _____

19. *HAS THE SUBJECT LAND EVER BEEN THE SUBJECT OF AN APPLICATION UNDER SECTION 45 OF THE PLANNING ACT? (i.e. previous minor variance application)

Yes [] No [] Don't Know

20. **APPLICATION SKETCH**

On a separate page(s), please provide a sketch, preferably prepared by a qualified professional, showing the following: (In some cases, it may be more appropriate to prepare additional sketches at varying scales to better illustrate the proposal.)

- Boundaries and the dimensions of the subject land for which the amendment is being sought.
- The location, size and type of all existing and proposed buildings and structures, indicating the distances from the front yard lot line, rear yard lot line and the side yard lot lines.
- The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The current uses on land that is adjacent to the subject land.
- The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- The location and nature of any easement affecting the subject land.
- Applicant's Name
- Date of Sketch
- The scale to which the sketch is drafted (e.g. 1 cm = 50 m)
- North Arrow
- The locations and dimensions of off-street parking spaces and off-street loading facilities
- Planting strips and landscaped areas
- Buildings to be demolished or relocated.

PART III AUTHORIZATION OF OWNER FOR AGENT TO MAKE THE APPLICATION:

(If affidavit (Part IV) is signed by an Agent on Owner's behalf, the Owner's written authorization below must be completed)

I (we) _____

of the _____

in the _____

do hereby authorize _____ to act as my/our agent in this application.

Signature of Owner(s)

Date

PART IV *AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I (we) DAVID GREEN

of the TOWNSHIP OF McNAB BRAESIDE

in the COUNTY OF RENFREW

solemnly declare that all of the information required under Ontario Regulation 200/96, and the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED before me at the Township of McNab/Braeside
in the County of Renfrew this 3rd day of September, 2024

[Signature]
Signature of Owner or Authorized Agent

09/03/24
Date

[Signature]
Signature of Commissioner

September 3 2024
Date

ANGELA PATRICIA YOUNG, a Commissioner, etc.,
County of Renfrew, for the Corporation of the
Township of McNab/Braeside

NOTE: One of the purposes of the Planning Act is to provide for planning processes that are open, accessible, timely and efficient. Accordingly, all written submissions, documents, correspondence, e-mails or other communications (including your name and address) form part of the public record and will be disclosed/made available by the Township to such persons as the Township sees fit, including anyone requesting such information. Accordingly, in providing any such information, you shall be deemed to have consented to its use and disclosure as part of the planning process.

(To be completed by the Municipality)

"COMPLETE" APPLICATION AND FEE OF \$ \$ 1,300⁰⁰ RECEIVED BY THE MUNICIPALITY:

Sept 3, 2024
Date

[Signature]
Signature of Municipal Employee

Roll Number

\$ 3,000 - post dated.
Sept 13, 2024
[Signature]

10. DECLARATION OF FEES INCURRED

The Owner/Agent agrees to reimburse and indemnify the Township of McNab/Braeside of all fees and expenses incurred by the Township of McNab/Braeside to process the application, including any fees and expenses attributed to proceeding before the Local Planning Appeal Tribunal or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

The Owner/Agent also agrees to deposit with the Township of McNab/Braeside such monies as required by the Township of McNab/Braeside's Tariff of Fees By-Law as amended to defend appeals brought before the LPAT by parties other than the Applicant/Agent or Township.

The required fee for the processing of this application shall be in accordance with the Township of McNab/Braeside's current Tariff of Fees By-Law pertaining to planning matters. The Fees prescribed do not include professional fees, (ie. legal or engineering) or extra public meetings. Prior to undertaking any of these matters the applicant agrees to reimburse the Municipality for all charges related to the application. Fees required for the processing of this application are required at the time of submission. The amount of the required fees should be confirmed with the Township prior to the submission of the application.

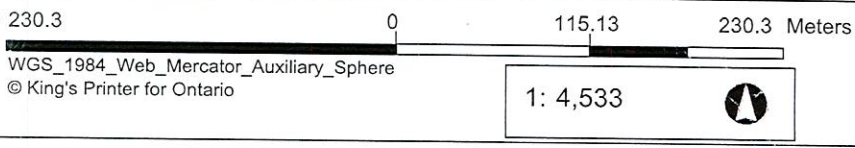
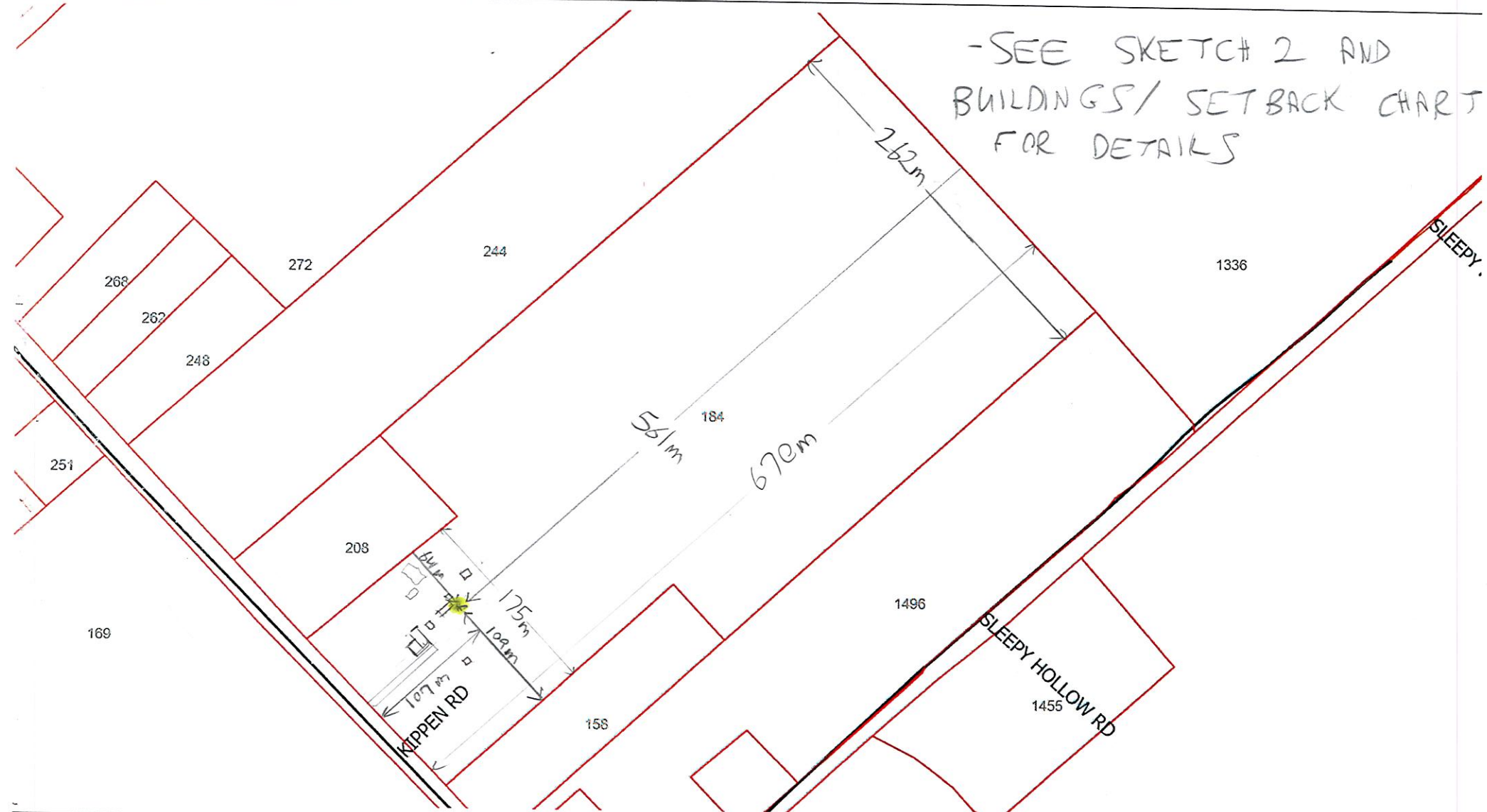
Date

Signature of Owner/Agent

Date

Signature of Owner/Agent

-SEE SKETCH# 2 AND BUILDINGS/ SETBACK CHART FOR DETAILS



This map was produced automatically by the County of Renfrew Mapping Website

With Data supplied under Licence by Members of the Ontario Geosp Exchange & the County of Renfrew

Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRC METI, Esri China(Hong Kong), Esri(Thailand), TomTom, MapmyIndia, © OpenStreetMap contrib User Community

SKETCH 2

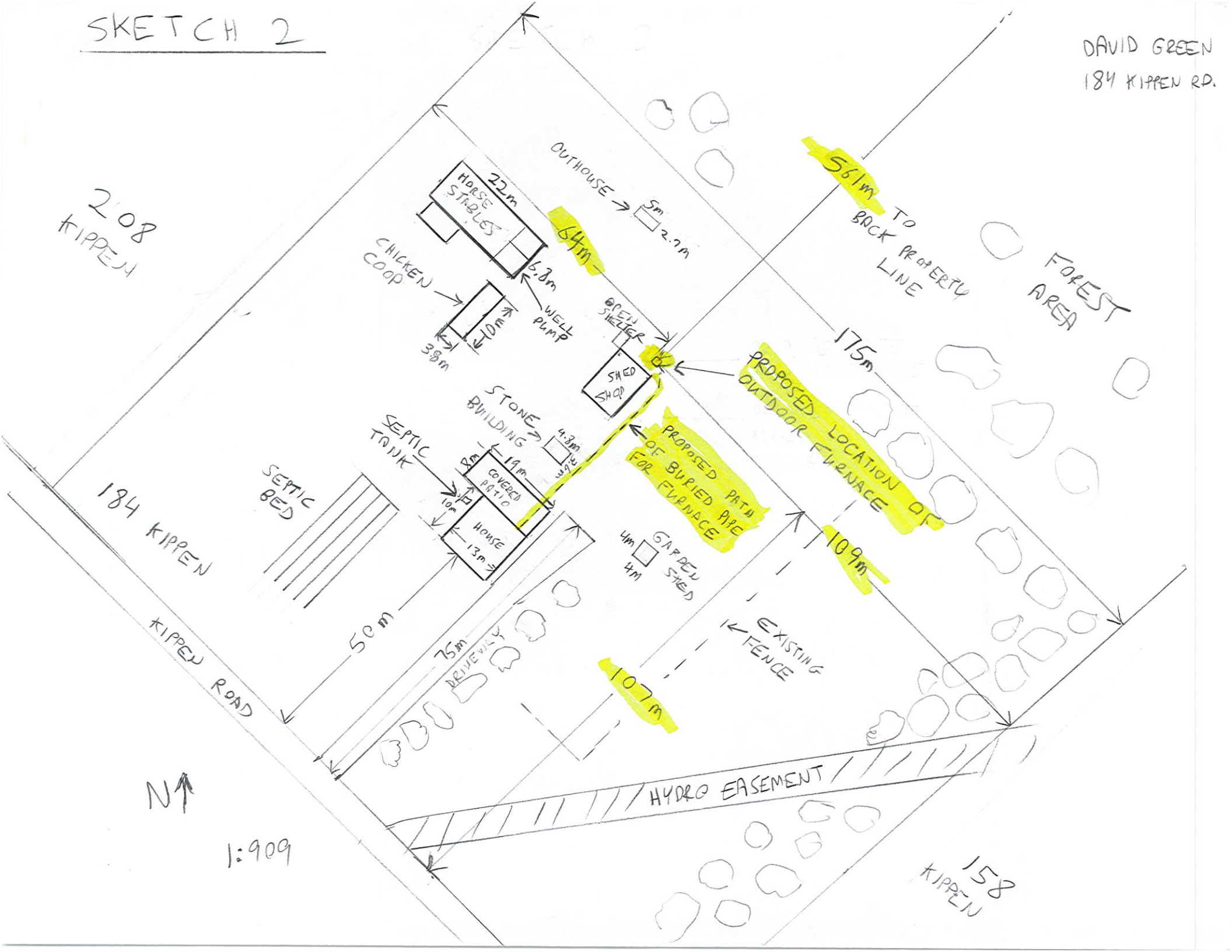
DAVID GREEN
184 KIPPEN RD.

2108
KIPPEN

184 KIPPEN

N ↑

1:909



158
KIPPEN

184 Kippen Road - Buildings / Setbacks Chart				
Type of Building or Structure	Existing house	Existing Covered back patio	Existing Stone outbuilding	Existing shop / storage shed
Setback from the front lot line	50m	60m	77m	90m
Setback from the rear lot line	608m	600m	586m	565m
Setbacks from the side lot lines	100m (SE), 64m (NW)	100m (SE), 58m (NW)	105m (SE), 70m (NW)	104m (SE), 54m (NW)
Height (in metres)	8.2m	2.8m	3m	4.5m
Dimensions or floor area	13m x 10m	19m x 8m	4.8m x 3.6m	10m x 6.8m
Date constructed	1922	unknown	unknown	unknown
Type of Building or Structure	Existing Chicken coop	Existing Horse Stables	Existing Garden Shed	Existing outhouse
Setback from the front lot line	78m	93m	75m	147m
Setback from the rear lot line	578m	564m	588m	520m
Setbacks from the side lot lines	142m (SE), 30m (NW)	142m(SE), 8m (NW)	82m(SE), 87m(NW)	120m(SE), 50m (NW)
Height (in metres)	7m	7m	3m	2.5m
Dimensions or floor area	10m x 3.8m	22m x 7m	4m x 4m	5m x 2.7m
Date constructed	unknown	unknown	unknown	unknown
Type of Building or Structure	Existing open shelter	Proposed Outdoor Wood Furnace		
Setback from the front lot line	100m	106m		
Setback from the rear lot line	555m	562m		
Setbacks from the side lot lines	51m (SE), 118m (NW)	109m (SE), 64m(NW)		
Height (in metres)	4m	2.1m		
Dimensions or floor area	5m x 3m	1.27m x 1.77m concrete pad, furnace unit is 1.27m x 1.95m		
Date constructed	unknown	TBD		



MINOR VARIANCE PLANNING REPORT

PART A – BASIC INFORMATION

1. FILE NO.: A-10/24
2. APPLICANT: David Green
3. MUNICIPALITY: Township of McNab/Braeside
(geographic Township of McNab)
4. LOT: 7 CONCESSION: 5 STREET: 184 Kippen Road

SUBJECT LANDS

5. COUNTY OF RENFREW
OFFICIAL PLAN
Land Use Designation(s): Rural
6. TWP OF McNAB/BRAESIDE
ZONING BY-LAW 2010-49
Zone Category(s) Rural (RU)

7. DETAILS OF MINOR VARIANCE REQUEST

The minor variance application requests a variance under Section 3.31(b) of the Outdoor Furnace provisions of Zoning By-law 2010-49, which requires a minimum 100 m setback for an outdoor furnace from a lot line. The applicant is requesting a reduced setback of 64 metres from the northwest side lot line of the subject lands.

8. SITE PERFORMANCE STANDARDS

<u>Zoning By-law Standard</u>	<u>Permitted</u>	<u>Proposed</u>
Section 3.31(b)	Outdoor furnaces shall be located a minimum of 100 metres from a lot line. Where an outdoor furnace is located more than 100 metres but less than 200 metres from a lot line, the smokestack of the outdoor furnace shall be higher than the highest building it serves.	64 metres from the northwest lot line

9. **SITE CHARACTERISTICS AND SETTING**

The subject property is located approximately 1.3 kilometres northeast of the hamlet of White Lake. The property is outlined in yellow, in the figures below. It is approximately 19 hectares in area and the front of the lot is developed with a dwelling and a number of farm buildings.

On either side of the subject lands along Kippen Road and Sleepy Hollow Road there are a number of smaller rural residential lots.

The lands immediately across the road at 169 Kippen Road are a single farm including a dwelling and farm buildings.

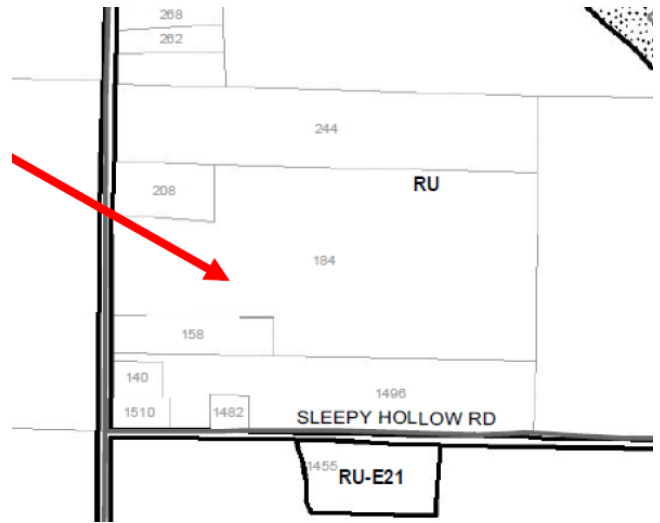
The subject property and adjacent lots contain areas of mature tree cover in and around the properties.



10. **OFFICIAL PLAN**

The subject lands are designated as Rural in the County of Renfrew Official Plan. Section 5.3(1) of the Rural designation permits a range of rural non-residential uses, and low density residential uses.

Section 2.0 General Development Policies contains various general policies that may apply to a specific property and/or proposal. Section 2.2(3) Buffering and Land Use Compatibility identifies where different land uses abut effort should be made to avoid conflicts. Buffering will be provided to reduce or eliminate adverse effects. Buffering may be open space, a wall, fence, plantings, etc.

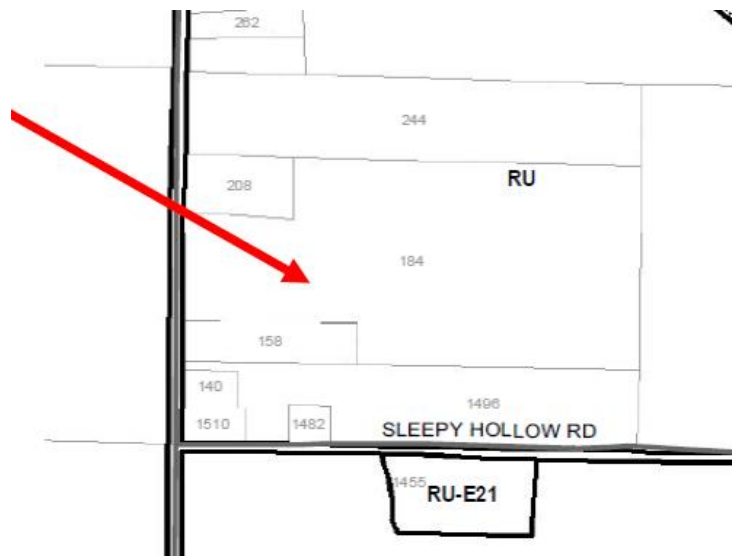


Section 13.3(3) are the local municipal road policies and any new development fronting on a municipal road must meet the road authority’s requirements.

11. **ZONING BY-LAW**

The subject land is zoned Rural (RU) in the Township’s Zoning By-law. Section 17.1(a) of the Rural (RU) Zone permits low density residential uses and Section 17.1(b) lists a number permitted non-residential rural uses including farm and limited farm.

Section 17.2(o) of the Rural (RU) Zone permits uses, buildings and structures that are accessory to the main permitted uses of the RU Zone.



Section 2.0 Definitions lists various terms used within the Zoning By-law and provides definitions.

Section 2.153 defines OUTDOOR FURNACE as a solid fuel burning appliance located to the exterior of the building it serves and is used for the space heating of buildings and/or domestic water heating and does not include the incineration of waste as defined in Section 25 of the Environmental Protection Act, c.E.19., R.S.O. 1990.

Section 3.0 General Provisions sets out various general planning requirements that may apply to a property and/or development proposal.

Section 3.31 Outdoor Furnaces provides specific requirements for these uses. Subsection (a) identifies specific Zones in which they are permitted, which includes the Rural (RU) Zone. Subsection (b) requires that Outdoor furnaces shall be located a minimum of 100 metres from a lot line. Where an outdoor furnace is located more than 100 metres but less than 200 metres from a lot line, the smokestack of the outdoor furnace shall be higher than the highest building it serves. Subsection (c) permits a 20 metre setback from a lot line for an outdoor corn furnace.

Section 3.23(c) requires development adjacent to a Township road to meet the road authority's requirements.

12. **STUDIES**

None submitted and none required.

13. **PUBLIC/AGENCY COMMENTS**

As required by the Planning Act, all property owners within 60 metres of the subject property have been notified of the application. The applicant has also posted notice on site. Public agencies have been notified, as required, including Ontario Power Generation.

As of the writing of this report, the only comments received are those from Township of McNab/Braeside staff and Council, dated September 17, 2024. The Building Department, Public Works Department, Fire Department and Council expressed no concerns with the requested variance.

Should any other comments be received they will be provided at the Hearing.

14. **GENERAL PLANNING COMMENTS**

Section 45(1) of the Planning Act provides that a Committee of Adjustment may authorise a minor variance from the provisions of the zoning by-law if the request maintains the general intent and purpose of both the Official Plan and the Zoning By-law, if the development is desirable and appropriate for the lands, building or structure and the variance is in fact minor.

Intent of the Official Plan and Zoning By-law

The Rural land use designation permits rural residential uses. Although not specifically identified in the Rural policies of the Official Plan, this would include any normal incidental or accessory uses to a residential use.

The Land Use Compatibility policies of Section 2.2(3) of the Official Plan typically applies to different land uses in proximity to one another, such as a dwelling and an industrial use, or an intensive commercial use. It identifies the various ways that impacts can be mitigated through separation distances, intervening structures and vegetation, for example.

Section 3.31 of the Township's Zoning By-law permits outdoor furnaces in the Rural (RU) Zone where dwellings are permitted and implements a larger minimum setback from lot lines than a typical accessory structure. This uses the same principle of separation distances identified in the Official Plan to reduce potential impacts on neighbouring land uses.

For this specific proposal, the location of the proposed outdoor wood furnace exceeds the 100 metre setback from the front, southeast side and rear lot lines. The requested 64 metre setback would only apply to the northwest side lot line, abutting 208 Kippen Road, a rural residential lot. The distance between the new outdoor furnace and the existing dwelling on 208 Kippen Road would be approximately 115 metres. The outdoor furnace location may be further buffered by the intervening farm buildings and mature trees. Furthermore, as required by Section 3.31(b) the smokestack of the outdoor furnace must be higher than the highest building it serves because other than the requested variance, it is more than 100 metres but less than 200 metres from the other lot lines. This allows smoke to be emitted higher where winds are typically stronger and more consistent and help disperse smoke and keep it from ground level where impacts would be more noticeable. Likewise, prevailing winds during the seasons when the furnace would be in use would generally be from the north, away from 208 Kippen Road.

The proposed location of the outdoor wood furnace and additional buffering features on-site meet the intent of the Official Plan and Zoning By-law.

Is the variance desirable

In order for the proposed wood stove to meet the 100 metre setback from the side lot line with 208 Kippen Road, it would need to be placed an additional 150 metres back from where it is proposed, which would increase cost and would be neither practical nor convenient. The proposed use is to be located at the very rear of farm building cluster where the majority of the barn buildings can provide a physical buffer. There are also intervening mature trees. Further to this, the actual separation between the proposed outdoor furnace and the nearest part of the dwelling at 208 Kippen Road is in excess of 100 metres. Based on these factors, the variance can be considered desirable.

Is the variance minor

There is no specific number or percentage that defines what is minor in the consideration of minor variance requests. The proposed request must be considered in the context of the proposed development, the site, surrounding uses and potential impacts.

For this application, the same factors in the test of desirability are relevant to the test of being minor. Although the lot is large, the location of the building(s) to be serviced by the outdoor wood furnace dictates the location of the furnace from a practical operational perspective. The chosen location is buffered by both farm buildings and mature trees. This in conjunction with the higher smokestack can reduce impact, and based on these factors the variance can be considered minor.

Overall, based on the above review, it is staff's opinion that the proposed variance to permit a reduced setback for the proposed outdoor wood furnace meets the four tests of the Planning Act. It meets the intent of both the County of Renfrew Official Plan and

Township Zoning By-law. The variance required for the location for the proposed use is desirable and can be considered minor in nature, in the context of the property and neighbouring properties.

15. **RECOMMENDATIONS**

That subject to any additional concerns or information raised at the Committee of Adjustment Hearing, the Committee approve a variance to Section 3.31(b) of Zoning By-law 2010-49 for 184 Kippen Road to permit a reduced setback for an outdoor wood furnace, from 100 metres to 64 metres, to the northwest side lot line.

The following conditions are recommended:

1. That the outdoor wood furnace be located in accordance with the sketches submitted with application A-10/24.

Date: September 23, 2024
Prepared by: Anne McVean, County Planner
Reviewed by: Bruce Howarth, MCIP, RPP
Manager of Planning Services

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