

Township of McNab/Braeside

Committee of Adjustment

A Hearing of the Committee of Adjustment was held on December 5, 2018 at 7:00 p.m. in the Municipal Office.

PRESENT: Geoff Booth Chairperson
 Jacqueline Asselin Member
 Mackie J. McLaren Member

Disclosures of pecuniary interest and the general nature thereof.

The Committee welcomed new member Macke McLaren.

Hearings:

B-14/18 Natasha Corrin & Rick Hayward

Rick Hayward was in attendance this evening to discuss this application.

The Chairperson advised that the Karst was initially a concern but a Geotechnical Study has been completed and reviewed by the CBO. He noted that the study sets out the steps that need to be taken in order to build on the proposed lots and these issues will be addressed at that time.

Moved by Jacqueline Asselin, seconded by Mackie J. McLaren, that Application B-14/18 be approved as applied for. **Carried**

B-15/18 Natasha Corrin & Rick Hayward

Rick Hayward was in attendance this evening to discuss this application.

This application was heard in conjunction with Application B-14/18.

Moved by Jacqueline Asselin, seconded by Mackie J. McLaren, that Application B-15/18 be approved as applied for. **Carried**

Members were asked to state any financial interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Moved by Jacqueline Asselin, seconded by Mackie J. McLaren, that the November 5, 2018 minutes be approved as circulated. **Carried.**

Hearings:

A-3/18 Ian & Joan McKie

Ian McKie was not in attendance this evening to discuss this application.

The Chairperson advised that this application was previously held in abeyance pending receipt of comments from the Planning Advisory Committee. The Committee discussed the merit of the application and the reason for the required variance. It was noted during the discussion that there appears to be no reason why the Applicants cannot comply with the Township's Zoning By-Law as the request is more of a want than a need.

Moved by Jacqueline Asselin, seconded by Mackie J. McLaren, that Application A-3/18 be approved with the exception of the required reduction for the proposed accessory building from 3.0 metres to 1.98 metres which is denied. **Carried**

B-17/18 Larry & Joanne Brydges

Larry Brydges was in attendance this evening to discuss this application.

Mr. Brydges provided the Committee with a brief history of the previous severance and stated that the reason for the lot addition is to accommodate the wishes of a family member who will be the new owner of the lot.

Moved by Jacqueline Asselin, seconded by Mackie J. McLaren, that Application B-17/18 be approved subject to the conditions listed in the decision. **Carried**

Decisions:

A-3/18 Ian & Joan McKie

Mr. McKie was not present at the hearing. The Committee reviewed the Planning Report, the Ontario Power Generation comments, the comments from R. Frew, Director of Public Works and the Planning Advisory Committee comments. Having considered all the comments provided and the submissions of Mr. McKie at the public hearing it is felt that the four tests under Section 45 of the Planning Act have not been met. In particular, the proposed variance does not comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law and there is no indication of why the Applicant is unable to comply. It was felt that the application was more of a want than a need. Taking the 4 part test into consideration and the fact that the proposed new house will not be out of context in the community, the Committee orders that the application for a minor variance as applied for by Ian & Joan McKie:

1. To obtain relief from By-law 2010-49 to reduce the minimum east side yard setback for the small section of the proposed side wall where the building juts

out as shown on the proposed dwelling from 3.0 metres to 1.22 metres is approved;

2. To reduce the minimum front yard setback from 7.5 metres to 7.32 metres to accommodate the proposed dwelling is approved;
3. And that the required reduction for the proposed accessory building from 3.0 metres to 1.98 metres is denied.

This property is located at Pt Lot 21, Concession 12 (A), Plan 211, 905 Archibald Street, Township of McNab/Braeside.

B-14/18 Natasha Corrin & Rick Hayward

Consent to sever a portion of land approximately 97.5m frontage, 271m depth, 2.0 ha, being Pt Lot 13, Concession A, Osborne Street, Township of McNab/Braeside, is granted to Natasha Corrin & Rick Hayward on condition that:

1. Three registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.
2. The original executed transfer (Transfer In Preparation) and one photocopy for our records for endorsement be presented to the Township.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

- The Committee stated that the general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The Committee also stated that the application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-15/18 Natasha Corrin & Rick Hayward

Consent to sever a portion of land approximately 128.0m frontage, 418.2m depth, 4.1 ha, being Pt Lot 13, Concession A, Osborne Street, Township of McNab/Braeside, is granted to Natasha Corrin & Rick Hayward on condition that:

3. Three registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.
4. The original executed transfer (Transfer In Preparation) and one photocopy for our records for endorsement be presented to the Township.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

- The Committee stated that the general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The Committee also stated that the application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

B-17/18 Larry & Joanne Brydges

Consent to sever a portion of land approximately 553m depth, 8.5 ha, irregular in shape, as a lot addition only is granted to Larry and Joanne Brydges. This property is part of Lot 5, Concession 4, 4169 Highland Road, Township of McNab/Braeside. This property must be added to the abutting property currently owned by Larry and Joanne Brydges on Highland Road. This severance is granted on condition that:

1. A one square foot piece of land, adjacent to the road allowance, of the lot being enlarged be surveyed and conveyed to the Township of McNab/Braeside with all costs to be assumed by the Applicant.
2. The Certificate of Consent "Schedule" to be attached to the deed/transfer shall include the following condition: *"The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Larry & Joanne Brydges and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be conveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and this condition shall be entered into the parcel as a restriction."*
3. The original executed transfer (Transfer In Preparation) and one photocopy for our records for endorsement be presented to the Township.
4. Three registered Plans of Survey in conformity with the sketch depicting the severed lands as attached to the application be presented to the Township and a copy be deposited in the Land Registry Office.

NOTE: The above conditions must be completed within one year of the date of decision. Should the conditions not be met the consent shall be deemed to be refused. This consent conforms with section 3.3 (2) (b) of the Official Plan.

Reasons:

- The Committee stated that the general intent and purpose of the Township of McNab/Braeside's Official Plan would be maintained.
- The Committee also stated that the application complies with the relevant policies of the Township of McNab/Braeside's Official Plan.
- The subject lands would comply with the provisions of the Township of McNab/Braeside's Comprehensive Zoning By-Law 2010-49.
- The use would be compatible with the existing uses in the vicinity of the subject property.

For the above mentioned reasons, the application for consent was granted.

Delegations: Nil

Discussion: Nil

Correspondence: Nil

Unfinished Business: Nil

New Business: Nil

Next Meeting:

The next meeting will be held on January 28, 2019 at 4:00 p.m.

Adjournment.

The meeting adjourned on a motion moved by Jacqueline Asselin at 8:15 p.m.

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Chairperson

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Secretary