

## Township of McNab/Braeside

### Committee of Adjustment

A Hearing of the Committee of Adjustment was held on January 28, 2019 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.

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 January 7, 2019 minutes be approved as circulated. **Carried.**

#### Hearings:

##### **A-4/18            John & Karen Dodds**

No one was in attendance this evening to discuss this application.

The Chairperson advised that the Planning Advisory Committee is holding this application in abeyance pending receipt of the Planning Report as well as comments from the Chief Building Official and Director of Public Works

##### **A-1/19            Ian & Joan McKie**

Ian McKie and Vincent Colizza, Architect for the Applicant, were in attendance this evening to discuss this application.

The Chairperson advised that this is a revised resubmission of a previous application, adding that letters of support were submitted with the application. The Chairperson further noted that there were several letters of objection submitted but added that the concerns noted were based to a large degree on false premises and the application meets the four tests of a minor variance.

The Committee members discussed the application, including the need for the distance between the house and accessory building as well as the size of the proposed accessory building. Mr. Colizza addressed the Committee to advise that the separation between the buildings is required to be large enough to accommodate servicing of the septic. He then reviewed a large plan of the property with the Committee and explained the proposed layout.

Committee member Mackie McLaren stated that further to the denial of the original application A-4/19, the December 17, 2018 supporting correspondence submitted with the current application clearly sets out the need for the minor variance from the required setbacks.

Moved by Jacqueline Asselin, seconded by Mackie J. McLaren, that Application A-1/19 be approved as applied for. **Carried**

**B-18/18      Ellard & Wanda Bandy**

Ellard Bandy and Dick Straathof were in attendance this evening to discuss this application.

The Chairperson advised that positive comments have been received from the Planning Advisory Committee, Sewage System Inspector and Ministry of Transportation. He further advised that the Planning Report prepared by the Township Planner states that the proposed severed lands will have to be rezoned to Agriculture-Exception (A-Ex) Zone to prohibit residential use and to reduce the minimum lot area. The Chairperson also mentioned that there had been some concern with regard to the hydro line running across the proposed severed property, however, a remedy has been found to address the situation by way of reserving an easement over the hydro-line providing power to the retained lands and reflecting the easement on the Plan of Survey

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

**B-19/18      Ellard & Wanda Bandy**

Ellard Bandy and Dick Straathof were 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-19/18 be approved subject to the conditions listed in the decision. **Carried**

**Decisions:**

**A-1/19      Ian & Joan McKie**

The application for a minor variance as applied for by Ian and Joan McKie to obtain relief from By-law 2010-49 to reduce the minimum west side yard setback from 3 metres to 2.13 metres to accommodate a proposed accessory building is granted.

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

Reasons:

The Committee stated that:

- the variance sought was minor in nature and was desirable for the appropriate development or use of the land as the proposed variance would not have a negative impact on any of the surrounding community.
- the application would be consistent with the relevant policies of the Township of McNab/Braeside's Official Plan, which is to allow residential uses.
- the subject lands would comply with the Township of McNab/Braeside's Comprehensive Zoning By-law 2010-49, which is to maintain the character of the neighbourhood.

For the above mentioned reasons, the application for a minor variance was granted

**B-18/18      Ellard & Wanda Bandy**

Consent to sever a portion of land approximately 228m frontage, 343m depth, 12.9 ha, being Pt Lot 12, Concession 10, 478 Scheel Drive, Township of McNab/Braeside, is granted to Ellard & Wanda Bandy on condition that:

1. The Applicants successfully obtain a Zoning Amendment for the severed lands to rezone the lands to an Agriculture-Exception (A-Ex) Zone to prohibit residential use and to reduce the minimum lot area.
2. That an easement be reserved over the hydro-line providing power to the retained lands and that the easement be reflected in the Plan of Survey.
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 once a zoning amendment has been obtained.
- 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-19/18      Ellard & Wanda Bandy**

Consent to sever a portion of land approximately 146m frontage, 343m depth, 5 ha, being Pt Lot 12, Concession 10, 478 Scheel Drive, Township of McNab/Braeside, is granted to Ellard & Wanda Bandy on condition that:

1. The Applicants successfully obtain a Zoning Amendment for the severed lands to rezone the lands to an Agriculture-Exception (A-Ex) Zone to prohibit residential use and to reduce the minimum lot area.
2. 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.
3. 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 once a zoning amendment has been obtained.
- 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 February 20, 2019.

**Adjournment.**

The meeting adjourned on a motion moved by Jacqueline Asselin at 4:45 p.m.

.....  
Chairperson

.....  
Secretary