



**MINUTES**

**Public Meeting Under the Planning Act  
Tuesday, May 16, 2023  
Council Chambers 5:30 p.m.**

**COUNCIL PRESENT:** All members of Council were in attendance this evening, with the exception of Councillor Brum, who sent his regrets.

**STAFF PRESENT:** Lindsey Lee, CAO/Clerk  
Angela Young, Deputy Clerk  
Mandy Cannon, Executive Assistant  
Bruce Howarth, Manager of Planning Services, Renfrew County

**MEDIA PRESENT:** Nil.

**1. Call to Order and Roll Call**

A Public Meeting under the Planning Act was held at 5:30 p.m. to consider a proposed amendment to the Zoning By-Law for the Township of McNab/Braeside in accordance with the provisions of Section 34 of the Planning Act, 1990. Councillor Scott Brum was not in attendance and sent his regrets.

**Acknowledgement**

Deputy Mayor Hoddinott stated We acknowledge that we are on the unceded territory of the Algonquin Anishinaabe people and that we are grateful to have the opportunity to be present in this territory.

**2. Declare Meeting Open**

Deputy Mayor Hoddinott stated that this is a Public Meeting held by Council under Section 34 of the Planning Act, 1990 and is declared open.

**3. Disclosure of Pecuniary Interest and the General Nature Thereof**

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

**4. Applicant**

- 4.1 1085091 Ontario Limited  
768 Usborne Street  
Part Block Q, Plan 29 (Part Lot 12, Concession B)

**5. Information Circulated**

- 5.1 - Notice of Application and Public Meeting
  - Application Sketch
  - Draft By-Law
  - County of Renfrew Planning Report
  - M. Perry Response to Community Comments received for ZBLA May 15, 2023

**6. Clerks Notice of Circulation in accordance with the Requirements of the Planning Act**

The Public Meeting is a requirement of the Planning Act. In accordance with the Planning Act, notice must be given at least 20 days before the Public Meeting is held. Deputy Mayor Hoddinott requested that the Clerk confirm the date the notice was circulated and calculate that we had the required 20 days notice.

The Deputy Clerk advised the notice was circulated to all property owners within 120m of the subject property on April 20, 2023. The Notice was sent to the agencies as required under the Planning Act. The Notice was also published on the Township website, Calendar and Bulletin Board on April 24, 2023 and posted at the property site by the property owners on April 21, 2023.

Deputy Mayor Hoddinott stated that the 20 day notice having been given, declared the meeting properly constituted to transact its business.

Any person wishing to receive written notice of the approval or refusal of the amendment being considered at this meeting must leave their name and mailing address with the Township Clerk by leaving their contact information on the sheet located on the podium in Chambers.

Deputy Mayor Hoddinott stated that as required by Section 34 (14.5) of the Planning Act, Council is required to inform the public of who is entitled to appeal to the Ontario Land Tribunal, under Sections 34(11) and (19):

Under Section 34(11) - If Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the municipal clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Land Tribunal by filing an appeal with the clerk of the municipality.

Section 34 (19) – Not later than 20 days after the giving of notice of passing of the by-law, the applicant, any person, or public body who made oral submissions at the public meeting or made a written submission to Council, before the by-law was passed or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Land Tribunal by filing an appeal with the Clerk of the Municipality.

**7. Clerks Reading of the Notice**

Deputy Mayor Hoddinott requested the Clerk give a description and location of the Proposed Amendment.

The Deputy Clerk read that the proposed Zoning By-Law Amendment applies to Part of Block Q, Plan 29, geographic Village of Braeside, in the Township of McNab/Braeside, located at 768 Osborne Street. The Notice further stated that the Public Meeting is to inform the public of the proposed zoning amendment to be held on May 16, 2023 at 5:30 p.m. at the Township's Municipal Office.

The purpose of the proposed Zoning By-Law Amendment is a revised Residential One-Exception Twenty (R1-E20) Zone to:

Recognize the uses already permitted in the Residential One-Exception Twenty (R1-E20) Zone, being an apartment dwelling with a maximum of eight (8) residential units;  
Recognize the existing principle building and some existing accessory structures in their existing locations;

Permit the location of a new 8.8 metre high retaining wall to support a new 14-space parking area on the east side of the apartment dwelling;

Permit the location of a new retaining wall at the southeast corner of the apartment dwelling along Osborne Street;

Permit the location of a new extension to, and correct an encroachment of, an existing block wall along the west (Kirby Street) side of the subject lands;

All other provisions of the Zoning By-Law would apply.

The effect of the proposed Zoning By-Law Amendment is to delete and replace the provisions of the Residential One-Exception Twenty (R1-E20) Zone and include a holding (-h) symbol.

The Residential One-Exception Twenty-holding (R1-E20-h) zone will include conditions that must be fulfilled to the Municipality's satisfaction before Council removes the holding (-h) by By-Law, and development can proceed as approved.

The notice was dated April 20, 2023, and signed by Deputy Clerk, Angela Young.

Additional information regarding the Zoning Amendment was available for inspection upon request during regular office hours.

## **8. Correspondence/Comments Received**

- Agencies
- Planning Department
- Others

### **8.1 Public/Agency Comments - 768 Osborne Street**

Deputy Mayor Hoddinott inquired if there were any written comments received.

The CAO/Clerk advised that written comments were received as follows:

Matt & Robyn Arseneau - Request to include documents to the package for the May 16 meeting.

Concerns as outlined in the letters/documents attached to the meeting package distributed.

Listed as follows:

Additional Information re-submitted – Arborist Report – September 2020

Our Home – 748 Usborne Street, Braeside

May 16, 2023 presentation – concerns relisted in the May 10 submission

Height of any accessory structure

Number of Parking Spaces being requested

Retaining Wall

Drainage

Tree concerns

Slope stability

Privacy

Garbage

Township Public Works – will provide more detailed comments and/or conditions after a more thorough review.

Chief Building official - will provide more detailed comments and/or conditions after a more thorough review.

TELUS – no comments or concerns.

County of Renfrew Public Works and Engineering – no comments or concerns.

Bell Canada - will provide a response should any comments/input be required on the information provided.

Enbridge Gas – Does not object to the proposed application, however, we reserve the right to amend our development conditions. This item was not in the meeting package and received today.

Also attached are the Reports from the Township Planner and Agent for the Applicant, County of Renfrew Planning Report and McIntosh Perry Response to Concerns.

Council was advised there was no other written correspondence received either to object or to support the proposed application.

**9. Questions/Comments**

- Members of the Public
- Applicant/Agent
- Members of Council

Deputy Mayor Hoddinott inquired if Mr. Howarth wished to speak to the amendment. Mr. Howarth stated the Planning Report as submitted with the meeting package this evening shows the history and sequence of events for this property. The main drive for this application is to move the parking to the same side of the street as the dwelling units. Bill 109 has now come into effect and therefore the site is no longer subject to site plan control. The By-Law was amended to include a (h) symbol until all items included in a Development Agreement can be addressed and approved by the Township prior to issuing a building permit.

Deputy Mayor Hoddinott inquired if any members of the public wished to speak to the amendment.

Matt Arseneau

- Concern with past actions, work completed without approval and permits, no regard for rules or safety of others.
- An employee he spoke to on site said that the fill was from Arnprior and contained pipes and sludge.
- Concern with the height discrepancy between 8.8m and 11m.
- Original zoning (2013 application) said that parking was not permitted.
- Already using land as parking area.
- Concern with large number of amendments that have been requested.
- Why does all parking need to be on the property?
- We are asking that this proposed application be denied.

Wendo Blondo

- Resides at 864 River Road in the oldest house in Braeside, this building has connections to history/family and the Heritage value should be protected.
- Views should be protected, it's majestic, protect for tourism.
- Old growth trees cleared.
- Concerns with erosion and quality of water.

Responses (B. Alchawa – M. Perry)

- Letter provided by contractor confirming clean fill was used. Was submitted with comment response.
- Not proposing any further changes to the building.
- Discussed height of the proposed wall as seen from the street, will not block views.
- The height increase we are seeking is for 8.8 metres, not 11. Also described the implications of the height definition in the ZBL. 8.8 vs. 4.9 (average grade). The top of the proposed retaining wall is only +/- 20cm above the Finished Floor Elevation.
- Acknowledge certain work was completed without approval, Applicant was not aware it was required. Has now submitted the required applications and are proceeding through the appropriate processes.
- The 2013 ZBLA did not prohibit parking at 768 Usborne, but rather provided a permission for it to be located off site.

We've requested all amendments possible to capture the proposed wall and address

- Other items on the site. Detailed how retaining wall is not included in the list of permitted projections, and how certain retaining walls are considered a structure and others are not. Detailed that the height of the wall and the setback varies. At the closest point to the Arseneau's land (4.13m) the wall is only 0.61m in height. Some of the amendments relate to the existing dwelling, sidewalk, etc.
- The ZBLA intent is for all required residential parking to be provided on the same site as the residential use for which it is required (that's why the applicant proposing all 14 spaces be located at 768 Osborne).

Deputy Mayor Hoddinott inquired if Council Members had any questions at this time.

Mayor MacKenzie stated that he felt we need more time as he had several questions. Clarification was received regarding the fill that was used on site and the testing of such. M. Perry stated that there was certain testing that was done at the geotechnical report stage for the design. Mr. Howarth indicated we could make it a requirement of the Development Agreement that testing is done as a condition of approval.

Clarification on the 7.5 meter setback from other properties was received, the closest part of the wall to the neighbours property is the part closest to Osborne Street being 4.13 m setback as you move to the back of the property it is a 7.25 meter setback from the neighbours, the wall is not parallel to the neighbours property.

Clarification from staff was received for the maximum height permitted. Mr. Howarth explained that the Zoning By-Law as written was intended to apply to buildings and structures, typically not a retaining wall they are usually considered landscaping or fencing. Under the Building Code this wall is a structure because of the height.

Clarification was received regarding the plan indicates 11m height it is my understanding that is not correct so it's the 8.8 m that is the maximum height at the back corner. Which was confirmed by M. Perry.

Peer Review comments included in the planning report from HP Engineering – In 2022 the application was held in abeyance in order to have the civil drawings and structural peer review. There is additional information that will be required at the building permit stage. The peer review was done for the structural drawings, this was not done for construction purposes.

It was noted that this proposal has an extensive list of exceptions. Mr. Howarth indicated you need to look at what the overall impact will be what the applicant is trying to accomplish. The applicant is trying to take this existing building and what is on site and bring it into compliance with the by-law and have remedies in place through a development agreement and what is trying to be accomplished. It is council's decision as to if the proposed use of the property is appropriate and acceptable (i.e.: Parking lot on site). A number of the setbacks requests are from the existing building that have been existence.

It was noted that if this application is denied the site plan on title stays in effect, if the application is approved then a new development agreement would replace the site plan on title.

#### **10. Further Information Requests List**

Members of the public were requested to submit their name and contact information to the Clerk either on the sign in sheet on the podium or by e-mail should they wish to be notified with regards to the application.

**11. Adjournment**

Deputy Mayor Hoddinott advised that the Public Meeting process is now completed. Council will give careful consideration to the arguments for/and or against the Zoning Amendment. The By-Law will be brought forward to Regular Meeting of Council being held later this evening for consideration of passing.

Should the By-Law be passed a Notice of Passing will then be circulated as required under the Planning Act and there would be a 20 day appeal period after the Notice of Passing is sent out.

Deputy Mayor Hoddinott thanked everyone for their attendance.

The Public Meeting was declared closed.

The meeting adjourned at 6:25 p.m.

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DEPUTY MAYOR

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CAO/CLERK