

Township of McNab/Braeside
Committee of Adjustment

A meeting of the Committee of Adjustment was held on January 30, 2024 at 11:00 a.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)
 Bruce Howarth, Manager of Planning Services, County of Renfrew

Public: Jonah Bonn, Landscape Limited, Applicant (Agent)

Chairperson Asselin opened the hearing at 11:00 a.m., with the land acknowledgement and introduction of the Committee members and staff present. The purpose of the hearing for minor variance was confirmed.

Moved by Member McLaren and seconded by Member Hoddinott that the minutes of the January 17, 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

A-1/24 Gloria Rockwell, Agent – Landscape Limited

The applicant's agent Mr. Jonah Bonn was present for the hearing. No other members of the public were in attendance.

Ms. McVean, the County Planner read the Notice of Hearing, then explained the nature and purpose of the application being a request to permit gazebo with a decreased water setback from the high water mark of the Madawaska River, from 30 metres to 29.6 metres; and to permit a shed with a decreased setback from the west side lot line, from 3.0 metres to 1.73 metres on the subject lands at 106 Lorlei Drive.

Ms. McVean, confirmed the date and circulation of the notice of hearing on January 12, 2024, in accordance with the Planning Act. Ms. McVean also summarized the comments received. The only Township concerns identified were from the Building Department which identified that the buildings were constructed without permits and permits will be required. They also identified additional buildings on the Ontario Power Generation-owned lands. Ms. McVean noted Township Council comments have not been provided to date. Comments were also received from Ontario Power Generation which had no concerns with the requested setbacks. It noted there are existing structures on their lands that did not have OPG approval, that the property owner has no current OPG Waterfront License, and that the existing structures should be removed from the OPG lands at the owner's effort and expense. Lastly, correspondence was received from Cameron and Elizabeth Hann who expressed concerns about buildings on the property that appear to have been constructed without due diligence and permits. They noted structures on the OPG lands. They also commented that the property is large enough to move the structures.

The Planner provided a brief summary of the Planning Report, identifying that the applicant had submitted studies that included recommendations for standard best management practices to protect the slope to the river, and protect the river from the impacts from the proposed development. The Planning Rationale incorporated the findings of these studies and provides rationale for why the building locations with reduced setbacks are considered appropriate. Ms. McVean explained that due to the timing of the application submission and the Council meeting schedule, Council had not had the opportunity to provide comments in time for this hearing. Staff's recommendation is to hold the application in abeyance, pending the receipt of comments from Council.

The Chair asked the Committee members if they had any questions of the County Planner. There were none. The Chair then asked the applicant, Mr. Bonn if he had any comments or questions. He stated he was willing to speak to the application at this hearing should the Committee choose to hear it and make a decision or would oblige if the Committee chose to hold the application in abeyance. Otherwise, Mr. Bonn confirmed that only the gazebo and shed are subject to this application. He confirmed the reduced setbacks requested and that they can be considered minor.

The Chair then asked the Committee if they had any questions or comments for the applicant. Member Hoddinott asked Mr. Bonn if the gazebo was built and if it is connected to hydro and well water. Mr. Bonn confirmed it is mostly built and accommodates a games room and a lounge area. He confirmed it is connected to hydro but would need to confirm if water services are connected. He also confirmed that the shed construction was in progress, but all construction work has stopped. Member Hoddinott asked how the highwater mark was established. Mr. Bonn deferred the question to Ms. McVean, who explained the definition of high water mark as set out in the Zoning By-law, which is typically confirmed on site. She confirmed that neither Township nor County staff have been to the site in that regard. Based on site photos included in the submission and the description of the slope at the waterfront provided in the Slope Stability report, County staff believe the high water mark as shown on the site plan is likely accurate. Member McLaren asked how long Mr. Bonn had been

involved in the file and if the buildings were already in place. He also asked about the experience of the construction contractor. Mr. Bonn stated his firm has been involved since the summer of 2023 and that the buildings were in place at that time, but work had stopped. The construction contractor De Saulniers is established and Mr. Bonn has had dealings with the company related to developments and building construction elsewhere. He cannot confirm what instructions the owner provided to the building contractor. No further questions or comments were raised.

Chair Asselin asked the Committee if they would accept the Planner's recommendation to hold the application in abeyance and adjourn the hearing. It was moved by Member Hoddinott and seconded by Member McLaren that the Planners recommendation be accepted.

Member Hoddinott indicated that the application would be presented to Council for its review and comment at its February 20, 2024 regularly scheduled meeting. Ms. McVean confirmed that once Council comments are received, a new hearing date would be set, based on Planning Act requirements and notice of the hearing would be recirculated. A new posting card for the site will be provided.

Chair Asselin declared the hearing over at 11:24 a.m.


Chair Asselin


Secretary