

**Township of McNab/Braeside**  
**Committee of Adjustment**

A meeting of the Committee of Adjustment was held on May 2, 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)

**Public:** Roger Magoon, (Owner/Agent)  
Bernadette Miller (Owner)

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 Mackie M. McLaren and seconded by Member Lori Hoddinott that the minutes of the March 11, 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-4/24 Roger Magoon, Bernadette Miller, Ciara Scott, Matthew Scott (owners)**  
**Roger Magoon (Agent)**

Two of the land owners/agent were present. No 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 a secondary dwelling unit (coach house) in the front yard of a lot in the Residential One (R1) Zone at 106 Donald Street.

Ms. McVean, confirmed the date and circulation of the notice of hearing on April 16, 2024, in accordance with the Planning Act. She further confirmed the notice was also posted on site on April 16, 2024. Comments were received from Ron and Lee Kedrosky of 145 Burns Drive. Their concerns were the potential impact on the water table for the surrounding property, the short notice period for the hearing and potential impact of this development on tax rates or property values. Comments were also received from the Township. The Building Department identified the possible need for an engineered septic design. The Public Works Department noted that a permit would be required for the new, additional driveway entrance and an additional garbage levy would be applied to the property. The Fire Department had no comments. Council supports the application and recommends the variance be given.

The Planner summarized the Planning Report, highlighting that the proposed secondary dwelling unit meets all of the requirements of the Official Plan and the Zoning By-law, except the zoning provision that restricts accessory uses in the front yard in the Residential One (R1) Zone. The built and natural constraints on the property leave the southwest corner of the front yard as the only viable location for the secondary dwelling unit. The minimum building setbacks will be exceeded. The lot is quite large and can easily accommodate the structure. Due to the lot size the secondary dwelling must share the well and septic services of the main dwelling however, the lot is large enough that an engineering study is not required. Visual impact on abutting neighbours is limited to the dwelling across the road, but the location and orientation of the dwelling will help reduce impact.

Regarding the Kedrosky's concerns. The size of the lot exceeds 0.8 Ha. An engineering study is only required for lots smaller than 0.8 Ha. Staff is not concerned with the impact on water resources for nearby properties. All of the lots in this area are a similar size, with relatively low density development. Regarding notification, a minimum of 10 days notice is required by the Planning Act and that requirement was exceeded for notification of this application. The concern raised about impacts on taxes and property values is not a land use planning consideration for the application.


It is staff's opinion that for these reasons, the requested minor variance meet the four tests of the Planning Act (1) it meets the general intent of the Official Plan and (2) it meets the general intent of the Zoning By-law; (3) it represents desirable development; and (4) it can be considered as minor. The recommendation is to approve the minor variance, provided the lot is developed as shown on Partial Site Plan A-001 submitted with the application.


The Chair asked the Committee members if they had any questions or comments of the Planner. There were none. The owners/agent were asked if they had any comments. Mr. Magoon reiterated the physical constraint of the rock ridge on the property that limits where the dwelling can go. The Chair asked the Committee members if they had any questions of the owners/agent. There were no questions, but both Members Hoddinott and McLaren expressed their support for this type of housing in the community and that residents were taking advantage of the Township's policies and provisions that permit these uses.

Upon the request of Chair Asselin, Ms. McVean read the draft decision to approve the requested variance. The Chair asked if the Committee was satisfied with the decision and if so, requested a show of hands. All members endorsed the decision with a show of hands.

At the request of the Chair, Ms. McVean read the appeal rights as set out in the Planning Act. She explained the notice of decision to be given and the 20 day appeal period starting the date the decision is made.

Chair Asselin declared the hearing over at 11:14 a.m.

  
Chair Asselin

  
Secretary