

Township of McNab/Braeside
Committee of Adjustment

A meeting of the Committee of Adjustment was held on October 2, 2024 at 1:00 p.m. at the Township's Municipal Office.

Members Present: Jacqueline Asselin Chairperson
Lori Hoddinott Member

Staff Present: Anne McVean, County Planner (Secretary-Treasurer)

Public: David Green (Owner/Applicant)

Chairperson Asselin opened the hearing at 1:00 p.m., with the land acknowledgement and introduction of the Committee members and staff present. The purpose of the hearing for minor variances was confirmed.

Moved by Member Hoddinott and seconded by Chair Asselin that the minutes of the August 8, 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-10/24 David Green (Owner/Applicant)

The land owner/applicant was present. No members of the public were in attendance.

Ms. McVean, the County Planner, summarized the Notice of Hearing, explaining the nature and purpose of the application being a request to permit a reduced northwest side yard depth from 100 metres to 64 metres to permit a new outdoor wood furnace in the Rural (RU) Zone at 184 Kippen Road.

Ms. McVean continued confirming the date and circulation of the notice of hearing on September 6, 2024, in accordance with the Planning Act. She also confirmed the notice was posted on site on September 12, 2024. Agency comments dated September 17, 2024 were received from the Township. The Building, Public Works and Fire Departments all had no concerns. Township Council expressed no concerns and no need for conditions.

The Planner summarized the Planning Report stating that the new outdoor furnace is proposed to be located at the rear of the accessory farm building cluster and meets the minimum 100 metre setback from all lot lines except for the northwest side lot line. Due to the configuration of the lot, the outdoor furnace would need to be set back at least an additional 150 metres to meet the side yard setback, which would not be practical or convenient. The proposed location will be in excess of 100 metres to the dwelling on the abutting lot to the northwest. Smoke from the furnace will be mitigated by the intervening distance separation, mature trees and the applicant's farm buildings. The By-law also requires an increased smokestack height so that any smoke will be dissipated by air flows at a higher elevation.

She confirmed the reduced setback met the four tests of the Planning Act. The proposed outdoor furnace is a relatively common accessory use in the Rural designation and Rural (RU) Zone, on this type of property. The setting and surrounding uses still provide ample separation from the dwelling to the northwest, even with a reduced setback, thereby meeting the general intent of the Official Plan and Zoning By-law. The location of the proposed outdoor furnace will allow it to more viably service the applicant's building(s), but intervening mature trees and farm buildings will assist in buffering the use from the abutting dwelling to the northwest thus making the reduced setback desirable for appropriate development. Lastly, given the location of the proposed outdoor furnace in relation to the abutting dwelling to the northwest, the intervening structures and vegetation, the reduced 64 metre setback can be considered minor. The recommendation is that the variance for a reduced setback from 100 metres to 64 metres to the northwest side lot line be approved for an outdoor wood furnace, as shown on the application sketch.

The Chair asked the Committee members if they had any questions or comments of the Planner. There were none.

The Chair asked Mr. Green if he wished to address the Committee. He did not. The Committee members had no questions for Mr. Green.

Ms. McVean read the draft decision to permit the requested variance. She noted that the decision included reference to a "consent" that would be changed by hand to "minor variance". The members agreed. 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. The members endorsed the decision with a show of hands.

Chair Asselin declared the hearing over at 1:12 p.m.


Chair Asselin


Secretary