

## **Township of McNab/Braeside**

### **Committee of Adjustment**

A meeting of the Committee of Adjustment was held on April 30, 2025 at 3:00 p.m. at the Township's Municipal Office.

**Members Present:** Jacqueline Asselin      Chairperson  
Lori Hoddinott      Member

**Staff Present:** Anne McVean, County Planner, County of Renfrew

#### **Public Present**

**A-1/25:** Scott McGuire (Applicant)  
Jenny Pierce

**A-2/25:** Jenny Pierce (Agent)

Chairperson Asselin opened the hearing at 3:00 p.m., with the land acknowledgement, and introduction of the Committee members and staff present. The purpose of the hearing for the minor variance applications A-1/25 and A-2/25 was confirmed.

Members were asked to state any financial interest and the general nature thereof before the two items to be discussed under the Municipal Conflict of Interest Act. **No disclosures** of pecuniary interest were declared at this time.

Moved by Member Lori Hoddinott and seconded by Chair Jacqueline Asselin that the minutes of the January 30, 2025 hearing be approved as circulated. **Carried.**

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 (3:00pm)**

##### **A-1/25 Scott McGuire and JoAnne McGuire (Owners/Applicants)**

Mr. McGuire was present. One member of the public was in attendance.

Ms. McVean, the County Planner, read the Notice of Hearing, explaining the nature and purpose of the application being a request to permit an increased accessory building height from 5.0 metres to 6.55 metres, to accommodate taller garage doors to allow parking for trucks and trailers. The building is also proposed for storage.

Ms. McVean confirmed the date and circulation of the notice of hearing in accordance with the Planning Act. She further confirmed the notice was posted on site by the applicant. Comments were received from the Township on April 22, 2025, which expressed no concerns with the requested

variance and Council recommends the requested variance. Other public agency comments received included those from the County of Renfrew Public Works and Engineering Department dated April 23, 2025 in relation to County Road 63 which identified no concerns with the application. Comments were also received from TC Energy dated April 17, 2025 identifying the TransCanada Pipeline right-of-way and twin high pressure gas pipelines on the abutting lands to the east. No concerns were identified with the application, but the letter confirmed setback requirements for permanent buildings from the right-of-way. Additional information was provided regarding regulations for uses and activities in proximity to the pipeline right-of-way with a request that the information be supplied to the applicant.

The Planner reviewed the Planning Report, summarizing the applicable Official Plan policies and Zoning provisions. Of interest for this application are the Official Plan policies and Zoning provisions for the TransCanada Pipeline, which requires the same setbacks outlined in the TC Energy letter.

Ms. McVean summarized how the proposed accessory building with its increased height meets the four tests of the Planning Act for minor variances. Several factors were considered. The accessory building is a typical permitted use for residential properties and meets the intent of the Official Plan and Zoning By-law. There were no concerns from public agencies. To address the tests of desirability and if the variance is minor, the residential property is relatively large, existing trees on site provide some visual buffering, the new building will not infringe on neighbouring dwellings or structures, and the proposed building setback as depicted on the application sketch exceeds minimum requirements. Based on this the four tests can be met.

Ms. McVean highlighted that the Report recommends a minimum 7.0 metre setback, for the proposed building from the east side lot line that abuts the lands containing the TransCanada Pipeline. The exact location of the TransCanada Pipeline easement on the abutting lands has not been verified. The minimum 7.0 metre setback would be conservative assuming the right-of-way could be right up to the lot line.

The Planner concluded by recommending the variance be approved for the increased accessory building height from 5.0 metres to 6.55 metres, subject to a condition that it be located a minimum of 7.0 metres from the east lot line.

The Chair asked the Committee members if they had any questions or comments of the Planner. They did not. The Chair asked the applicant if he wished to address the Committee. Mr. McGuire confirmed that he had called TC Energy and the staff confirmed the right-of-way was 18 metres to the lot line and if the proposed building location was an issue, they would have identified that in a letter to him. Mr. McGuire confirmed the shed setback would be well setback from the right-of-way. Through the Chair, Ms. McVean stated that based on that the 7.0 metre setback would be well within the setback that Mr. McGuire is proposing from the lot line and could remain as a condition with no impact. Mr. McGuire agreed. The Chair asked if any members of the public had questions. There were no questions.

Upon the request of Chair Asselin, Ms. McVean read the draft decision to approve the requested variance and explained the appeal rights as set out in the Planning Act.

The Chair asked if the Committee was satisfied with the decision and if so, requested a show of hands. All members present endorsed the decision.

## **HEARING**

### **A-2/24 Johannes Ziebarth and Sacha Ziebarth (Owner) Jenny Pierce, Hyland Creek Design (Agent)**

Ms. Pierce, agent for the application was in attendance. No other members of the public were present.

Ms. McVean, the County Planner, read the Notice of Hearing and explained the nature and purpose of the application, being a request to permit an accessory building with an increased height from 5.0 metres to 6.70 metres on a residential lot at 130 Lorlei Drive, for the purpose of secure parking and additional personal storage in the loft of the building.

Ms. McVean confirmed the date and circulation of the notice of hearing in accordance with the Planning Act. She further confirmed the notice was posted on site by the agent. Comments were received from the Township on April 22, 2025. The Building Department has no concern with the proposed accessory building but noted another shed on the property that encroaches into the minimum side yard setback. The Public Works Department and the Fire Department expressed no concerns with the requested variance. Township Council recommends the variance. Ontario Power Generation was also circulated relating to the Madawaska River and responded on April 17, 2025 with no concerns or comments.

The Planner summarized the Planning Report, summarizing applicable Official Plan policies and Zoning provisions.

Ms. McVean then explained how the proposed accessory building with its increased height will meet the four tests of the Planning Act for minor variances. The accessory building meets the intent of the Official Plan and Zoning By-law as it is a typical use permitted on a residential lot. To address the tests of desirability and if the variance is minor, the following factor were considered. The shed will serve dual purpose negating the need for two separate structures, The lot is relatively narrow but the proposed location of the accessory building on the property will not infringe on neighbouring dwellings or structures. There are existing trees on site to help buffer views of the building. Aesthetically, the accessory building will blend with existing development in the neighbourhood. All of these considerations support how the four tests can be met.

Ms. McVean highlighted that aside from the new building and variance requested, there are two existing sheds, one belonging to the applicant and the other to the property to the north at 124 Lorlei Drive. Each shed falls within the minimum 3.0 metre side yard setback on the respective properties, and each shed encroaches onto the other property. This is a zoning compliance issue and building encroachment issue of which the Township is now aware. The recommendation is that, as a condition of approval of this variance, the applicant relocate their shed to comply with the required 3.0 metre

setback, or remove the shed. As an additional condition, the Township's Chief Building Official would be required to confirm to the Secretary of the Committee of Adjustment that the issue has been rectified. As for the neighbour's shed, it is beyond the control of the applicant, but the Township is aware of the compliance issue which it can have rectified.

The Chair asked the Committee members if they had any questions or comments for the Planner. Member Hoddinott questioned the use of the loft expressing concern that it might be used as a residential unit, and can a condition be added to ensure that does not happen. Ms. McVean responded that the applicant explicitly stated in their cover letter that, that an additional dwelling unit was not intended for the loft. She continued, explaining that conditions are something that must be cleared to allow the building permit to be issued. Prohibiting a future use is not a condition that can be cleared. In addition, the variance is to the Zoning By-law in effect, and only valid for the life of that By-law. In response to a further question from Member Hoddinott about the pending new Zoning By-law, Ms. McVean explained that it contains a clause that any minor variances granted under a previous Zoning By-law are valid for 18 months after the new Zoning By-law comes into effect. A building permit would to be secured within that time frame. Ms. McVean pointed out that this lot is under 0.4 hectares (1 acre) in area and under the Additional Dwelling Unit provisions of the Zoning By-law, it is too small to qualify for an additional dwelling unit. That use is not be permitted on this property.

The Chair asked the agent for the application if she wished to address the Committee. Ms. Pierce said her clients acknowledge the existing accessory building issues, but requested if their shed could remain and be considered under this application. It would be a challenge to move as it is located close to the septic system. Through the Chair, Ms. McVean responded that it is not just a setback issue but also a building encroachment issue and needs to be brought into compliance with the Township's Zoning By-law. The Chair asked if any members of the Committee had any additional questions or comments. There were none.

Upon the request of Chair Asselin, Ms. McVean read the draft decision to approve the requested variance, subject to the conditions, and explained the appeal rights as set out in the Planning Act. The Chair asked if the Committee was satisfied with the decision and if so, requested a show of hands. All members present endorsed the decision.

Chair Asselin declared the hearing over at 3:35 p.m.



Chair Asselin



Secretary