

**TOWNSHIP OF McNAB/BRAESIDE  
COMMITTEE OF ADJUSTMENT  
AGENDA**

**Thursday, April 4, 2024 - 11:00 a.m.  
Township Municipal Office  
2473 Russett Drive**

1. Call to open hearing.
2. Minutes of the previous hearing, March 11, 2024.
3. Declaration of a Pecuniary Interest (Money/Financial).
4. Consideration of Application No. A3/24  
675 Kippen Road – Barry & Shelly McLachlan  
(Agent: Adam Kasprzak Surveying Limited)
  - (a) Purpose of the Application
  - (b) Confirmation of Dates
  - (c) Confirmation of Notice
  - (d) Reading of Written Comments
  - (e) Overview of Planning Report
  - (f) Discussion and Public Participation
6. Decision by Committee for Application No. A-3/24, or call for a further hearing if required.
7. Appeal Rights
8. Adjournment

**CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE**  
2473 Russett Drive, Arnprior, Ontario K7S 3G8

**Application for Minor Variance**

Note: The "\*" identifies prescribed information outlined in Ontario Regulation 200/96

**PART I                      GENERAL INFORMATION**

**1.      APPLICANT/OWNER INFORMATION**

a)      \*Applicant's Name(s): Adam Kasprzak Surveying Ltd.  
\*Address: 29 Bridge Street, P.O. Box 633, Renfrew, ON K7V 4E7  
\*Phone #: Home \_\_\_\_\_ Work 613-432-3048 Cell \_\_\_\_\_  
E-mail: info@aksurveying.com

b)      \*The applicant is:    the registered owner     an agent authorized by the owner

c)      If the applicant is an agent authorized by the owner, please complete the following:  
\*Name of Owner: Barry George McLachlan & Shelly Anne McLachlan  
\*Address of Owner: 966 McLachlan Road, White Lake, ON K0A 3L0  
\*Phone #: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell 613-433-7745

d)      To whom should correspondence be sent? Owner  Applicant  Both

**2.      \*PROVIDE A DESCRIPTION OF THE SUBJECT LAND:**

Street Address: 675 Kippen Road, White Lake, ON K0A 3L0  
Concession: 4                      Lot: Part Lot 11  
Registered Plan No.: \_\_\_\_\_ Block or Lot No(s). in the Plan: \_\_\_\_\_  
Reference Plan No.: 49R-20614                      Part No(s): 2

**3.      \*CURRENT DESIGNATION OF THE SUBJECT LAND IN THE OFFICIAL PLAN (IF ANY):**

Rural / Environmental Protection

**4.      \*CURRENT ZONING OF THE SUBJECT LAND:**

Rural (RU)/ Environmental Protection (EP)

**PART II    DETAILS OF THE APPLICATION**

5.    **\*PLEASE STATE THE NATURE AND EXTENT OF THE RELIEF FROM THE ZONING BY-LAW**  
To seek relief from zoning by-law to permit residential accessory building heights of greater than 5 metres for the existing barns on the severed lot.
- 
6.    **\*WHAT IS THE REASON WHY THE PROPOSED USE CANNOT COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW?**  
The existing barns on the severed lot are in excess of 5 metres in height.
- 
7.    **\*DIMENSIONS OF THE SUBJECT LAND:**  
Frontage: 126.68          Depth: 82.01          Area: 1.077 ha
8.    **\*PLEASE MARK BELOW THE ACCESS TO THE SUBJECT LAND:**  
 Provincial Highway     Municipal Road Maintained All Year  
 Municipal Road Maintained Seasonally     Right Of Way     Water  
 Other Public Road: \_\_\_\_\_
9.    **\*IF THE ONLY ACCESS IS BY WATER, PLEASE STATE BELOW THE PARKING AND DOCKING FACILITIES THAT ARE TO BE USED, AND THE DISTANCE OF THESE FACILITIES FROM THE SUBJECT LAND AND FROM THE NEAREST PUBLIC ROAD:**  
Not Applicable
- 
10.   **\*WHEN WAS THE SUBJECT LAND ACQUIRED BY THE CURRENT OWNER?**  
May 2, 2017
11.   **\*WHAT ARE THE EXISTING USES OF THE SUBJECT LAND AND HOW LONG HAVE THEY CONTINUED?**  
#1 Residential    Since:    /    Years  
#2 Storage Barns     Since:     /     Years
12.   **\*ARE THERE ANY BUILDINGS OR STRUCTURES ON THE SUBJECT LAND?**  
 Yes     No
13.   **\*WHAT ARE THE "PROPOSED" USES OF THE SUBJECT LAND?**  
Residential with storage barns
-

14. **\*WILL ANY BUILDINGS OR STRUCTURES BE BUILT ON THE SUBJECT LAND?**  
 Yes  No

15. **\*PROVIDE THE FOLLOWING DETAILS FOR ALL EXISTING OR PROPOSED BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:** (use a separate page if necessary)

	EXISTING			PROPOSED	
	SEE	APPENDIX	A		
Type of building or structure					
Setback from the front lot line					
Setback from the rear lot line					
Setbacks from the side lot lines					
Height (in metres)					
Dimensions or floor area					
Date constructed					

16. **\*INDICATE HOW WATER IS SUPPLIED AND HOW SEWAGE DISPOSAL IS PROVIDED TO THE SUBJECT LAND:**

WATER

SEWAGE

publicly owned and operated piped water system   
 privately owned and operated individual well   
 privately owned and operated communal well   
 lake or other water body   
 other means: \_\_\_\_\_

publicly owned and operated piped sanitary sewage system   
 publicly owned and operated communal septic system   
 publicly owned and operated individual septic system   
 privately owned and operated individual septic system   
 privy   
 Other means: \_\_\_\_\_

17. **\*HOW IS STORM DRAINAGE PROVIDED?**

Sewers  Ditches  Swales  Other Means

18. **\*IS THE SUBJECT LAND ALSO THE SUBJECT OF AN APPLICATION FOR APPROVAL OF A PLAN OF SUBDIVISION OR CONSENT?** Yes  No  Don't Know

**\*IF YES, PLEASE STATE, IF KNOWN, THE FILE NO. AND THE STATUS OF THE APPLICATION:**

File No.: B170/22(1) Status: Conditional consent granted.

19. **\*HAS THE SUBJECT LAND EVER BEEN THE SUBJECT OF AN APPLICATION UNDER SECTION 45 OF THE PLANNING ACT? (i.e. previous minor variance application)**

Yes  No  Don't Know

20. **APPLICATION SKETCH**

On a separate page(s), please provide a sketch, preferably prepared by a qualified professional, showing the following: ( In some cases, it may be more appropriate to prepare additional sketches at varying scales to better illustrate the proposal.)

- Boundaries and the dimensions of the subject land for which the amendment is being sought.
- The location, size and type of all existing and proposed buildings and structures, indicating the distances from the front yard lot line, rear yard lot line and the side yard lot lines.
- The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The current uses on land that is adjacent to the subject land.
- The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- The location and nature of any easement affecting the subject land.
- Applicant's Name
- Date of Sketch
- The scale to which the sketch is drafted (e.g. 1 cm = 50 m)
- North Arrow
- The locations and dimensions of off-street parking spaces and off-street loading facilities
- Planting strips and landscaped areas
- Buildings to be demolished or relocated.

**PART III AUTHORIZATION OF OWNER FOR AGENT TO MAKE THE APPLICATION:**

(If affidavit (Part IV) is signed by an Agent on Owner's behalf, the Owner's written authorization below must be completed)

I (we) Barry George McLauchlan & Shelly Anne McLaughlan

of the Township of McNab/Braeside

in the County of Renfrew

do hereby authorize Adam Kasprzak Surveying Ltd. to act as my/our agent in this application.

Barry McLauchlan  
Shelly McLaughlan  
Signature of Owner(s)

27/02/24  
Date

**10. DECLARATION OF FEES INCURRED**

The Owner/Agent agrees to reimburse and indemnify the Township of McNab/Braeside of all fees and expenses incurred by the Township of McNab/Braeside to process the application, including any fees and expenses attributed to proceeding before the Local Planning Appeal Tribunal or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

The Owner/Agent also agrees to deposit with the Township of McNab/Braeside such monies as required by the Township of McNab/Braeside's Tariff of Fees By-Law as amended to defend appeals brought before the LPAT by parties other than the Applicant/Agent or Township.

The required fee for the processing of this application shall be in accordance with the Township of McNab/Braeside's current Tariff of Fees By-Law pertaining to planning matters. The Fees prescribed do not include professional fees, (ie. legal or engineering) or extra public meetings. Prior to undertaking any of these matters the applicant agrees to reimburse the Municipality for all charges related to the application. Fees required for the processing of this application are required at the time of submission. The amount of the required fees should be confirmed with the Township prior to the submission of the application.

27/02/24

Date

Benny Trichler

Signature of Owner/Agent

27/02/24

Date

Shelley Lane

Signature of Owner/Agent

**PART IV \*AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)**

I (we) Adam Kasprzak  
of the Town of Renfrew  
in the County of Renfrew

solemnly declare that all of the information required under Ontario Regulation 200/96, and the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED before me at the Town of Renfrew  
in the County of Renfrew this 29<sup>th</sup> day of February, 2024.

Adam Kasprzak  
Signature of Owner or Authorized Agent

February 29/24.  
Date

Anne Marie Slight  
Signature of Commissioner  
Anne Marie Slight, a Commissioner, etc.,  
Province of Ontario  
for Adam Kasprzak Surveying Ltd.  
Expires January 21, 2027

February 29/24.  
Date

*NOTE: One of the purposes of the Planning Act is to provide for planning processes that are open, accessible, timely and efficient. Accordingly, all written submissions, documents, correspondence, e-mails or other communications (including your name and address) form part of the public record and will be disclosed/made available by the Township to such persons as the Township sees fit, including anyone requesting such information. Accordingly, in providing any such information, you shall be deemed to have consented to its use and disclosure as part of the planning process.*

(To be completed by the Municipality)

"COMPLETE" APPLICATION AND FEE OF \$ 1100 + 3000.<sup>00</sup> RECEIVED BY THE MUNICIPALITY:  
*deposit*

\_\_\_\_\_  
Date

Amulohay  
Signature of Municipal Employee

\_\_\_\_\_  
Roll Number

## Appendix A

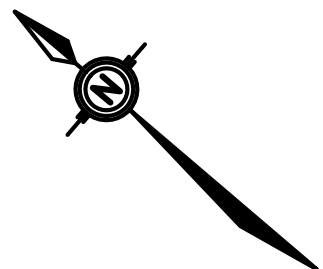
This application for a minor variance is being submitted as a condition of severance as part of Renfrew County Severance File B170/22(1).

Through consent application B170/22(1), the owners wish to create a new residential lot containing an existing dwelling and barns from a larger rural farm property.

The intent of this application is to seek relief from the zoning by-law, to permit residential accessory building heights of greater than 5 metres for the existing barns on the severed lot.

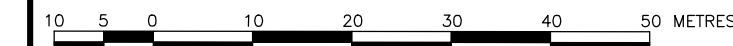
<b>Existing Building Inventory</b>				
Type of building or structure	Dwelling	Log Barn	Timber Frame Barn	Wood Frame Shed
Setback from the Front lot line	12m	29m	37m	56m
Setback from the rear lot line	52m	45m	21m	4m
Setback from the side lot lines	72m / 44m	40m / 75m	31m / 124m	23m
Height	7m	9m	9m	3m
Dimensions or floor area	155 sq m	115 sq m	200 sq m	15 sq m
Date of Construction	u/k	u/k	u/k	u/k





SKETCH ILLUSTRATING  
BUILDINGS & STRUCTURES  
IN SUPPORT OF  
**APPLICATION FOR  
MINOR VARIANCE**  
**TOWNSHIP OF McNAB/BRAESIDE**  
COUNTY OF RENFREW

SCALE 1 : 750



**LEGAL FABRIC NOTE:**

PART OF LOT 4, CONCESSION 11, GEOGRAPHIC TOWNSHIP OF  
MCNAB, TOWNSHIP OF MCNAB/BRAESIDE BEING PART 2,  
PLAN 49R-20614.

**CIVIC ADDRESS:**

675 KIPPEN ROAD  
WHITE LAKE, ON

**OWNERS:**

BARRY GEORGE MCLAUCHLAN  
SHELLEY ANNE MCLAUCHLAN

**SEVERANCE FILE:**

File No. B170/22(1)

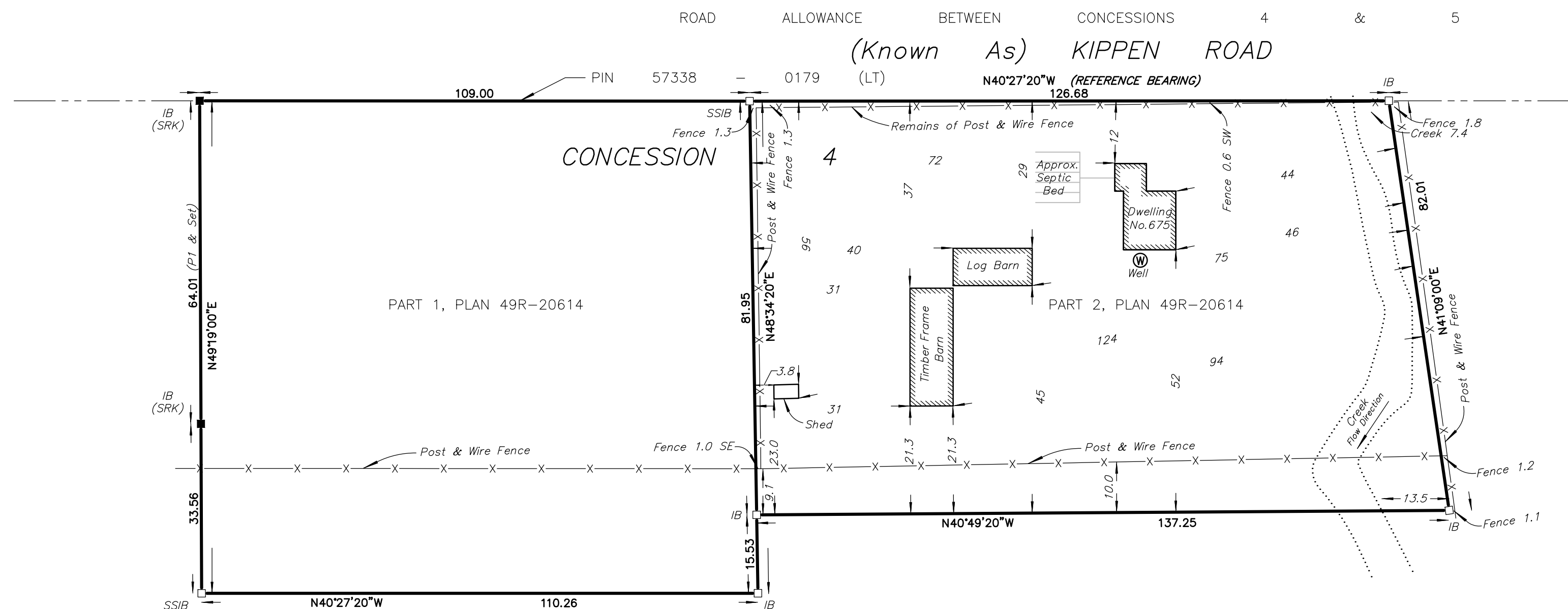
**DISTANCE NOTE:**

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTE:**

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED  
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

ADAM KASPRZAK SURVEYING LTD. 2024 © COPYRIGHT.



**AK ADAM KASPRZAK SURVEYING LTD.**  
ONTARIO LAND SURVEYORS  
29 BRIDGE ST., P.O. BOX 633  
RENFREW ONTARIO K7V 4E7  
PHONE (613) 432-3048

SCALE: 1 : 750

REF: 23-2239 H

FILE No :

Department of Development &  
Property



9 INTERNATIONAL DRIVE  
PEMBROKE, ON, CANADA  
K8A 6W5  
613-735-3204  
FAX: 613-735-2081  
www.countyofrenfrew.on.ca

## EXPIRY OF APPEAL PERIOD

July 11, 2023

Cameron J. Scott  
61 Renfrew Ave W  
Renfrew, ON K7V 2Y2

Dear Sir:

**Re: Application for Consent from Barry & Shelley McLachlan  
Part of Lot 11, Concession 4, McNab  
Township of McNab Braeside  
(132.6m x 77.7m – 1.03 ha.)  
B170/22(1)  
(107.59m x 97.54m – 1.05 ha.)  
B171/22(2)**

### FINALIZING THE CONSENT

As the appeal period expired on June 14, 2023 and no appeals have been received, if all conditions outlined in the Decision have been met, a Certificate of Official may now be issued in accordance with Section 53(42) of the Planning Act. When issued, the certificate of Official will provide conclusive evidence that a valid consent has been granted in accordance with the Planning Act.

Any conditions imposed (including the survey or registerable description condition) must be met by the last date for meeting conditions as set out in the Notice of Application, or the consent shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

Yours truly,

*Alana Zadow*

Alana Zadow, ACST  
Jr. Planner/Secretary-Treasurer  
Land Division Committee,  
azadow@countyofrenfrew.on.ca  
Encl.

cc. CAO, Township of McNab/Braeside  
Barry G. McLachlan & Shelley A. McLachlan

Applicants: Barry George McLachlan &  
Shelley Anne McLachlan  
File No.: **170/22(1)**  
Pt. Lot 11, Con. 4  
Geographic Village of Braeside  
In The Township of McNab/Braeside

Date of Notice of Decision: May 25, 2023  
Last Date of Appeal: June 14, 2023  
Last Date to meet Conditions: **May 25, 2025**

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**NOTICE OF DECISION**  
**APPLICATION FOR CONSENT**  
**SECTION 53 OF THE PLANNING ACT**

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**DECISION**

Consent for conveyance of a residential lot being Part of Lot 11, Concession 4, in the Geographic Village of Braeside, in the Township of McNab, in the County of Renfrew consisting of:

Frontage:	132.6 m	(435 ft.)
Depth:	77.7 m	(255 ft.)
Area:	1.03 ha.	(2.54 ac.)

IT IS HEREBY DECIDED that consent be granted for the conveyance of a residential lot, subject to the following conditions:

1. That a preliminary Plan of Survey be provided confirming a 3.0 metre minimum setback of the nearest accessory building to the rear lot line. Upon review and acceptance of the preliminary survey, a registered Plan of Survey in conformity with the sketch depicting the severed lands (as attached to the original or amended application) be supplied to the Secretary-Treasurer of the Land Division Committee.
2. That a minor variance be finalized to permit residential accessory building heights of greater than 5.0 metres for the existing barns on the severed lot. Prior to issuance of the Certificate of Official, the municipality is to notify the Secretary-Treasurer of the Land Division Committee when the condition has been met.
3. That a drain reapportionment as it relates to the Bandy Creek Municipal Drain and Branches is addressed to the Township's satisfaction. Prior to issuance of the Certificate of Official, the municipality is to notify the Secretary-Treasurer of the Land Division Committee when the condition has been met.

Consent shall be Deemed To Be Refused in accordance with Section 53(41) of the Planning Act within two years of Notice of Decision if proof has not been supplied to the satisfaction of the Secretary-Treasurer before that date that the condition has been met. Critical dates relating to the Decision are listed above.

  
Bruce Howarth, MCIP, RPP  
Manager of Planning Services

**NOTES:**

At the request of the Township, the parent roll number should be attributed to: severed lands

If conditions have been applied, you will be entitled to receive notice of any changes to the conditions of the provisional (conditional) consent, if you have either made a written request to be notified of the Decision to give or refuse to give provisional consent, or a written request to be notified of changes to conditions of provisional consent.

It is important to note that a registered plan of survey or a registerable legal description required as a condition of consent (refer to Decision attached) must be in compliance with the sketch submitted with your consent application.

### **ADDITIONAL INFORMATION**

Additional information regarding the application for consent will be available to the public for inspection at the Office of the Development and Property Department from Monday to Friday between 8:00 a.m. and 4:00 p.m.

### **OTHER RELATED DEVELOPMENT APPLICATIONS**

Application for Consent B171/22(2)

### **WRITTEN SUBMISSIONS**

All written submissions received on the application were considered and helped to make an informed decision.

### **APPEALING THE DECISION OR CONDITIONS**

Only the Applicant, the Minister, a specified person or any public body may appeal Decisions in respect of applications for consent to the Ontario Land Tribunal. A Notice of Appeal, setting out written reasons in support of the appeal and accompanied by the fee prescribed by the Ontario Land Tribunal, must be submitted to the Secretary-Treasurer within twenty (20) day of the date of giving Notice of the Decision.

The cost of an appeal is \$400.00 with the certified cheque or money order payable to the Minister of Finance. A copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/>

If within twenty (20) days of the date of completion of giving of Notice (mailing), no Notice of Appeal is submitted, the Decision is final and binding, and the Secretary-Treasurer is required to notify the applicant and to file a copy of the Decision with the Clerk of the Municipality.

### **MAIL ADDRESS FOR NOTICE OF APPEAL**

County of Renfrew  
9 International Drive  
Pembroke, ON  
K8A 6W5

Attention: Alana Zadow  
Jr. Planner/Secretary-Treasurer  
Land Division Committee

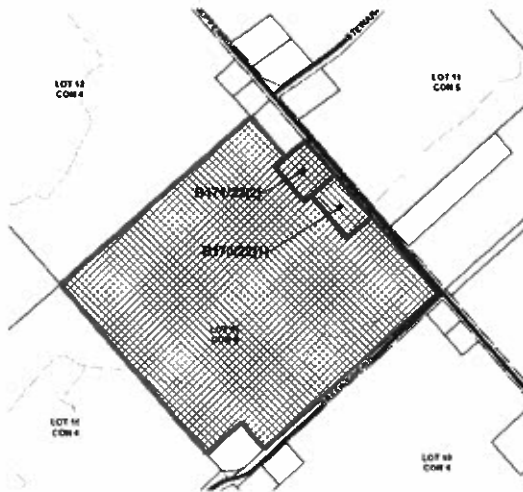


**PART A - BACKGROUND**

1. FILE NO.: **B170/22(1)**
2. APPLICANTS: Barry George McLachlan and Shelley Anne McLachlan
3. MUNICIPALITY: Township of McNab/Braeside  
(Geographic Township of Braeside)
4. LOT: 11                      CON.: 4                      STREET: 675 Kippen Road
5. PURPOSE: New residential lot
6. DESCRIPTION OF APPLICATION: This application proposes sever a new residential lot containing the existing dwelling and barns from a large rural farm property.

7. LOT DIMENSIONS AND USE OF LANDS

	Frontage	Area	Structures
Existing Lot	480 m	85.2 Ha	Dwelling and two storage barns
Severed	132.6 m	1.03 Ha	Dwelling and two storage barns
Retained	347.4 m	84.17 Ha	vacant



8. SEVERANCE HISTORY

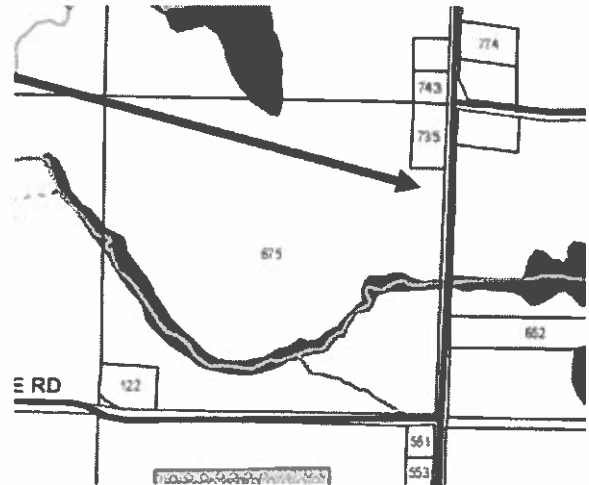
Number of new lots from original holding (1971) 2 previous new lot severances B-14/02 and B-15/02

9. OFFICIAL PLAN OF THE COUNTY OF RENFREW

Official Plan Designation(s):

Severed Rural  
Environmental Protection

Retained Rural  
Environmental Protection

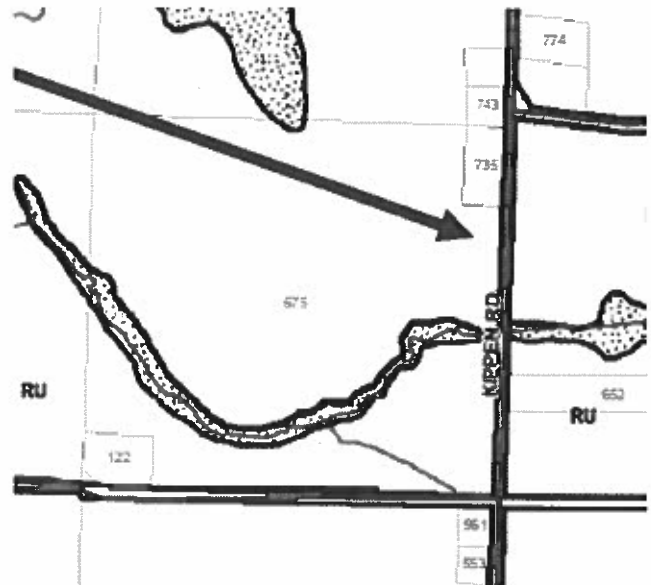


10. ZONING BY-LAW OF THE TOWNSHIP OF McNAB/BRAESIDE

(2010-49) Zone(s):

Severed Rural (RU)  
Environmental Protection (EP)

Retained Rural (RU)  
Environmental Protection (EP)



Zone Requirements:

	<u>Proposed Lot Frontage</u>	<u>Minimum Required</u>	<u>Proposed Lot Area</u>	<u>Minimum Required</u>
Severed	132.6 m	45 m	1.03 Ha	4047 m <sup>2</sup>
Retained	347.4 m	45 m	84.17 Ha	2 Ha

\*Note: There is a concurrent severance application B171/22(2) for a new lot to be severed from these lands. If both consents are finalized, the final retained lot will be approximately 83.12 Ha in area with 239.81 metres road frontage.

**PART B – COMMENTS**

**1. PROVINCIAL POLICY STATEMENT and MUNICIPAL PLAN REVIEW DATA**

Policies Considered:

- 1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

**2. OFFICIAL PLAN**

Policies Considered:

- 2.2(2) Minimum Distance Separation from livestock facilities
- 5.3(1) uses permitted in the Rural designation
- 5.3(2) policies for residential development in the Rural designation
- 8.3(1)-(2) and (5) uses permitted in the Environmental Protection designation and local wetlands

**3. ZONING BY-LAW**

Provisions Considered:

- 3.3.5 accessory building setback
- 3.3.6 accessory building height
- 3.22(a)(i) Minimum Distance Separations from livestock facilities
- 3.23(c) local road requirements
- 17.1 and 17.2 – permitted uses and lot development requirements in the Rural (RU) Zone
- 20.1 and 20.2 – permitted uses and lot development requirements in the Environmental Protection (EP)

**4. SUBMITTED STUDIES**

None submitted. None required.

**5. AGENCY COMMENTS**

Twp. of  
McNab/Braeside

December 20, 2022

- The severed and retained lands are within the drainage boundary of the Bandy Creek Municipal Drain and Branches. A drain reapportionment is required.
- Existing accessory buildings on severed lands are not to house livestock.

**6. GENERAL PLANNING COMMENTS**

Our office pre-consulted with the applicant in June 2022 regarding this proposal. Only one Provincial land use planning matter was identified, being required minimum separations from nearby livestock and manure storage facilities. The applicant provided the required farm information and our office prepared Minimum Distance Separation calculations. The calculations were favourable therefore this matter has been addressed.

This new lot will accommodate the existing dwelling and two barns. At the proposed lot size of 1.03 hectares, it will be considered a residential lot. The barns would not be considered as farm buildings, but rather as accessory buildings to the residential use.

Farm uses in the Rural (RU) Zone are only permitted on lots that are at least 2 hectares in area. As such, no keeping of farm animals is permitted in the barns, except for backyard chickens, under Section 3.3.3 of the Township's Zoning By-law.

Any buildings accessory to a residential use must be a minimum of 3.0 metres from a lot line. The application sketch indicates the barns meet the northwest side yard setback. The setback to the rear lot line must be confirmed to ensure it meets the setback requirement. This can be confirmed at the time of survey. \*

Also, buildings accessory to a residential use must be a maximum of 5.0 metres in height. A minor variance will be required to permit a higher accessory building height for the barns. The minor variance will be required as a condition of approval of the severance.

The Township comments confirm that the accessory buildings are not permitted to hold livestock. Likewise, a drain reapportionment will be required as it relates to the Bandy Creek Municipal Drain and Branches. This will be required as a condition of approval.

**7. RECOMMENDATIONS**

- (a) Planning concerns have NOT been identified in this report. Therefore, consent can be granted.





(b) There are some planning concerns that must be dealt with as follows, before determining whether the consent can be supported or not.

(c) The proposal may be acceptable when the following matters are addressed and resolved:

- The setback of the nearest accessory building to the rear lot line is confirmed to meet the minimum required 3.0 metre setback.
- As a condition of approval, a minor variance is finalized to permit residential accessory building heights of greater than 5.0 metres for the existing barns on the severed lot.
- That a drain reapportionment as it relates to the Bandy Creek Municipal Drain and Branches is addressed to the Township’s satisfaction.

(d) Conditions to the giving of consent should be considered for the following:

Registered Plan of Survey:      Preceded by a draft survey for the proposed lot and which confirms the setback of the nearest accessory building to the new rear lot line.

Zoning By-law Amendment:

Minor Variance:      To address the heights of the accessory buildings on the severed lot.

Private Road Agreement:

Development Agreement:

Site Plan Control Agreement:

Notice on Title:

Shoreline Road Allowance Closure / Acquisition:

Other:      That a drain reapportionment as it relates to the Bandy Creek Municipal Drain and Branches is addressed to the Township’s satisfaction.

(e) There are serious planning concerns, refusal is recommended.

(f) Other Recommendations:



Date: February 6, 2023  
Prepared by: Anne McVean  
County Planner  
Reviewed by: Bruce Howarth, MCIP, RPP  
Manager of Planning Services

JUL/2022

**From:** [Colin Slight](#)  
**To:** [Anne McVean](#)  
**Cc:** [Adam Kasprzak](#); [Anne Marie Slight](#)  
**Subject:** FW: Minor Variance application - Barry & Shelley McLachlan 675 Kippen Road  
**Date:** March 15, 2024 3:57:23 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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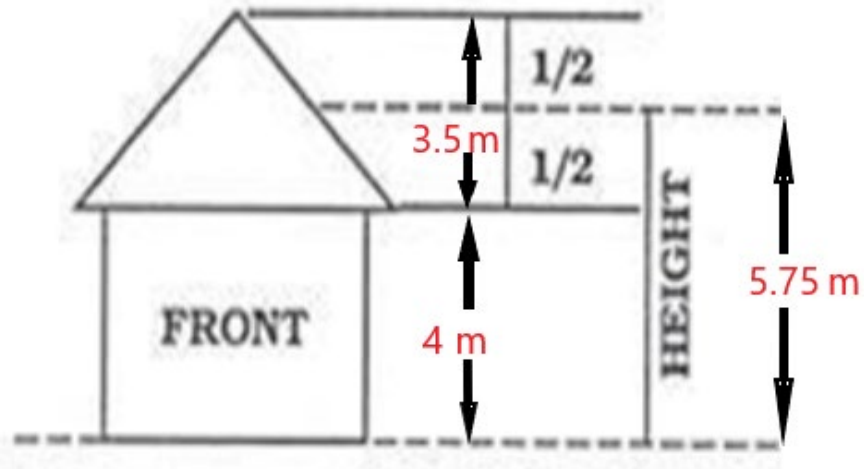
[CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.]

Good afternoon, Anne.

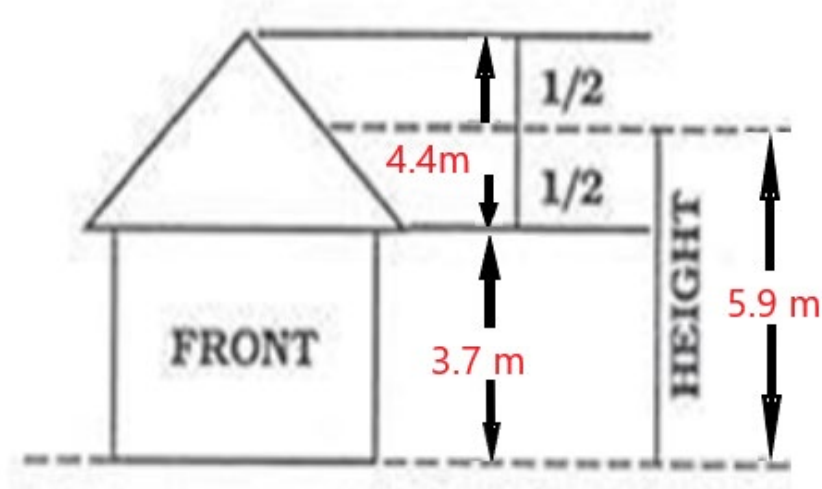
Here are the measurements for the two barns situated on the McLaughlan property as requested.

Thanks

Colin



Log Barn



Timber Frame Barn

**Adam Kasprzak Surveying Ltd.**

Renfrew: T 613-432-3048 29 Bridge St., PO Box 633, Renfrew, ON K7V 4E7  
Pembroke: T 613-735-0764 432 Pembroke St. W., PO Box 492, Pembroke, ON K8A 6X7  
Barry's Bay T 613-756-3003 19470 Opeongo Line, PO Box 790, Barry's Bay, ON K0J 1B0  
[www.aksurveying.ca](http://www.aksurveying.ca)

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**From:** Adam Kasprzak <adam@aksurveying.com>

**Sent:** Friday, March 15, 2024 9:47 AM

**To:** Colin Slight <colin@aksurveying.com>

**Subject:** FW: Minor Variance application - Barry & Shelley McLachlan 675 Kippen Road

We need to get this sorted out for her

A

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**From:** Anne McVean <[AMcVean@countyofrenfrew.on.ca](mailto:AMcVean@countyofrenfrew.on.ca)>

**Sent:** Thursday, March 07, 2024 11:19 AM

**To:** Adam Kasprzak <[adam@aksurveying.com](mailto:adam@aksurveying.com)>

**Cc:** Colin Slight <[colin@aksurveying.com](mailto:colin@aksurveying.com)>

**Subject:** RE: Minor Variance application - Barry & Shelley McLachlan 675 Kippen Road

Okay, thanks Adam.

Anne

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**From:** Adam Kasprzak <[adam@aksurveying.com](mailto:adam@aksurveying.com)>

**Sent:** March 7, 2024 11:17 AM

**To:** Anne McVean <[AMcVean@countyofrenfrew.on.ca](mailto:AMcVean@countyofrenfrew.on.ca)>

**Cc:** Colin Slight <[colin@aksurveying.com](mailto:colin@aksurveying.com)>

**Subject:** RE: Minor Variance application - Barry & Shelley McLachlan 675 Kippen Road

[CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.]

Anne

Thanks for the note.

I will look into this asap, and get back to you.

Adam

Adam Kasprzak Surveying Ltd.

Pembroke ON Phone 613.735.0764 Fax 613.732.7612

Renfrew ON Phone 613.432.3048 Fax 613.432.7252

Email: [adam@aksurveying.com](mailto:adam@aksurveying.com)

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**From:** Anne McVean <[AMcVean@countyofrenfrew.on.ca](mailto:AMcVean@countyofrenfrew.on.ca)>

**Sent:** Thursday, March 07, 2024 11:14 AM

**To:** Adam Kasprzak <[adam@aksurveying.com](mailto:adam@aksurveying.com)>

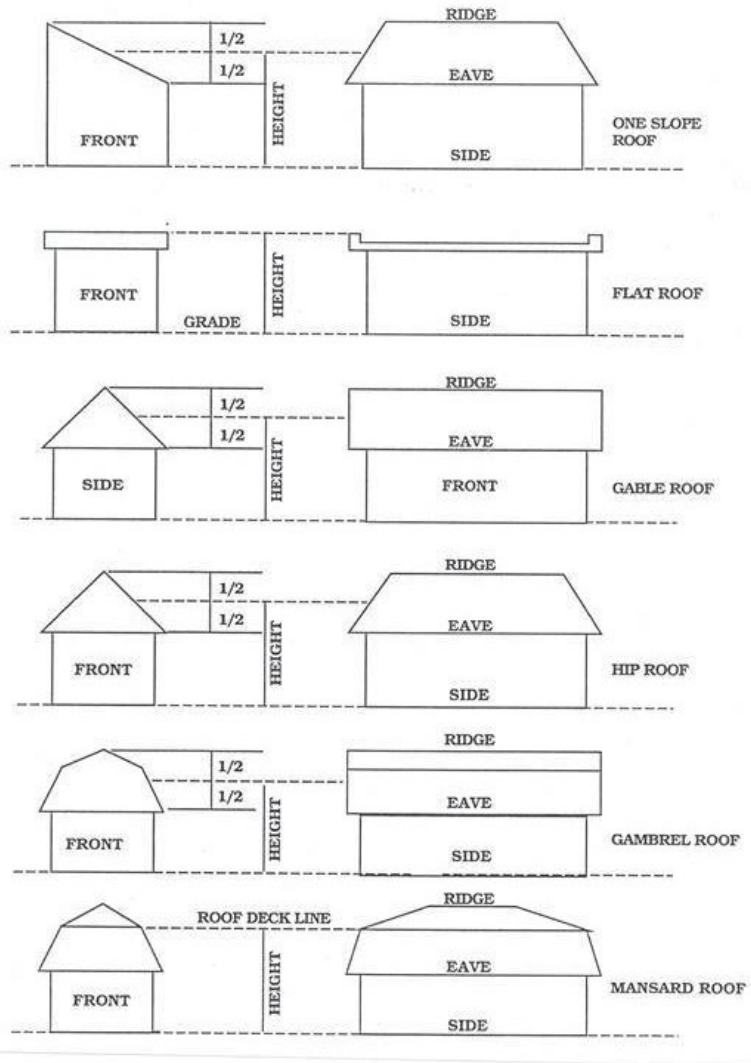
**Subject:** Minor Variance application - Barry & Shelley McLachlan 675 Kippen Road

Good morning Adam:

I have been forwarded this application by McNab/Braeside Township to prepare documents and set up a hearing. My question pertains to the barns' building heights? Are they 9 metres to the peak of the roof? The Zoning By-law provides the following definition and illustration for height. Would you be able to provide me a height of the barns based on the definition, as I will have to address it in accordance with the ZB definition?

2.99 HEIGHT means, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and,

- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line;
- (c) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the ridge; and
- (d) in the case of any other type of roof, the highest point of the roof surface.



Thanks,

*Anne McVean*

County Planner

Development & Property Department

County of Renfrew

9 International Drive

PEMBROKE ON, K8A 6W5

[amcvean@countyofrenfrew.on.ca](mailto:amcvean@countyofrenfrew.on.ca)

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# MINOR VARIANCE PLANNING REPORT

## **PART A – BASIC INFORMATION**

1. FILE NO.: A-3/24
2. APPLICANT: Barry McLachlan and Shelley McLachlan (Owners)  
Adam Kasprzak Surveying Ltd. (Agent)
3. MUNICIPALITY: Township of McNab/Braeside  
(geographic Township of McNab)
4. LOT: 11 CONCESSION: 4 (Part 2, 49R-20614) STREET: 675 Kippen Road

### SUBJECT LANDS

5. COUNTY OF RENFREW OFFICIAL PLAN  
Land Use Designation(s): Rural  
Environmental Protection
6. TWP OF McNAB/BRAESIDE  
ZONING BY-LAW 2010-49  
Zone Category(s) Rural (RU)  
Environmental Protection (EP)

### 7. **DETAILS OF MINOR VARIANCE REQUEST**

The minor variance application requests a variance under Section 3.3.6 of Zoning By-law 2010-49, to allow an increased accessory building height from 5.0 metres to 9.0 metres for two existing barns that are located on lands that have been conditionally granted, by the County of Renfrew, under consent application B170/22(1) as a residential lot.

### 8. **SITE PERFORMANCE STANDARDS**

<u>Zoning By-law Standard</u>	<u>Permitted</u>	<u>Proposed</u>
Section 3.3.6 Section	Accessory buildings and structures shall not exceed 5.0 metres height in any Residential or Commercial Zone or 7.5 metres in any Industrial Zone.	Two existing barns, each 9 metres in height will be located on a new residential lot.



9. **SITE CHARACTERISTICS AND SETTING**

The lands proposed to be severed as a residential lot are shown outlined in yellow. They are 1.077 hectares in area and contain an existing dwelling, shed and two barns, with the municipal address of 675 Kippen Road

The subject property is located in a rural area of the Township, consisting mostly of large properties with a mix of natural bush and active farmland. There are several smaller rural residential lots scattered in vicinity of the subject lands.

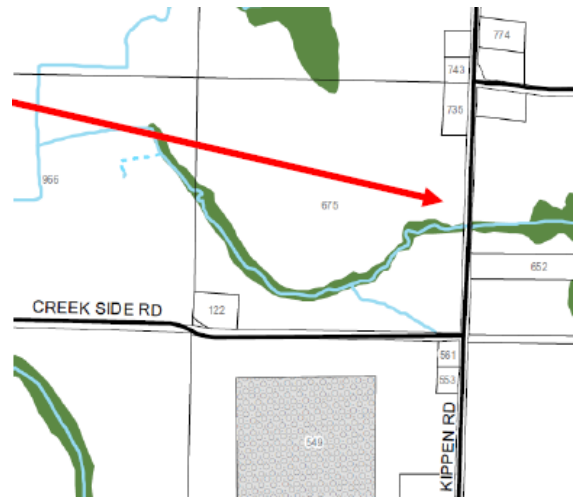


10. **OFFICIAL PLAN**

The subject lands are designated Rural and Environmental Protection in the County of Renfrew Official Plan.

Section 5.3(1) of the Rural designation permits a range of non-residential rural uses, and limited low density residential uses.

Section 8.3(1) and (2) of the Environmental Protection designation permit conservation uses, non-intensive outdoor recreation uses, dams, and other water control devices. Uses requiring the construction of buildings greater than 9.0 square metres shall not be permitted. No placement or removal of fill is permitted except for flood or erosion control and approved by the County of Renfrew, the local Council and the Ministry of Natural Resources and Forestry.



11. **ZONING BY-LAW**

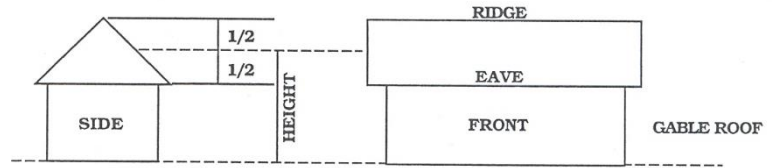
The subject land is zoned Rural (RU) and Environmental Protection (EP) in the Township’s Zoning By-law. Section 17.1(a) of the Rural (RU) Zone permits low density residential uses, including a single detached dwelling. Section 17.1 (b) permits a wide range of rural non-residential uses, including farm. Section 17.2(a) establishes minimum lot area requirements for proposed uses. Subsection (i) requires a minimum lot area of 4047 square metres for a single detached dwelling and subsection (iii) requires a minimum lot area of 2 hectares for other permitted uses. Section 17.2(o) requires accessory uses, buildings and structures to meet the requirements set out in Section 3.0 of the Zoning By-law.



Section 20.1(a) of the Environmental Protection (EP) Zone permits existing residential uses, and some non-residential uses including existing farm, limited farm, passive recreation, erosion control structure, dam or other water control structure, and no new buildings or structures other than for flood or erosion control.

Section 3.3.6 of the Accessory Uses, Buildings and Structures provisions requires that accessory buildings not exceed 5.0 metres in any Residential Zone.

Section 2.0 Definitions provides descriptions of terms used in the Zoning By-law. Section 2.99 HEIGHT means, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building, and (c) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the ridge.



**12. STUDIES**

None submitted and none required.

**13. PUBLIC/AGENCY COMMENTS**

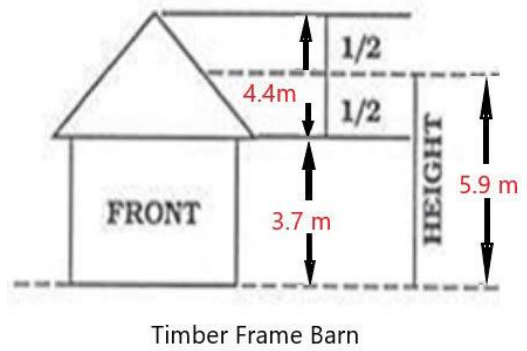
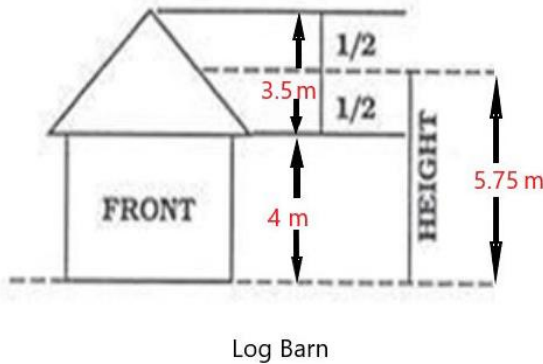
As required by the Planning Act, all property owners within 60 metres of the subject property have been notified of the application. The applicant has also posted notice on site. Public agencies have been notified, as required, including Ontario Power Generation.

Should any comments be received they will be provided at the Hearing.

**14. GENERAL PLANNING COMMENTS**

Section 45(1) of the Planning Act provides that a Committee of Adjustment may authorise a minor variance from the provisions of the zoning by-law if the request maintains the general intent and purpose of both the Official Plan and the Zoning By-law, if the development is desirable and appropriate for the lands, building or structure and the variance is in fact minor.

The subject lands represent a proposed new 1.077 Ha lot which was given conditional consent by the County of Renfrew under application B170/22(1). The proposed lot will accommodate an existing dwelling and two existing barns. Based on its size of less than 2.0 Ha, the lot is being approved as a rural residential lot and the barns must be considered as accessory buildings to the residential use. Section 3.3.6 of the Zoning By-law limits an accessory building height to 5.0 metres, for a residential lot. Therefore, the variance will recognize the existing heights of the two outbuildings. Although the application form requests a 9.0 metre height, the applicant has since confirmed that the building heights of the "log barn" and the "timber frame barn" are 5.75 metres and 5.9 metres, respectively, in accordance with the definition of the Zoning By-law.



(\*Note: dimensions shown in red are the existing building heights confirmed by applicant, March 15, 2024)

For clarification, it must be noted that by virtue of the lot size and intent for residential use, these buildings will no longer be considered farm buildings and cannot be used to house farm animals, However, Section 3.3.3(iii) of the Zoning By-law does allow for the keeping of a maximum of 12 chickens on a lot, less than 2 hectares, that is located outside of a settlement area.

Intent of the Official Plan and Zoning By-law

The Rural policies permit rural residential lots and Rural (RU) zoning of the property allow for residential use and accessory buildings and structures, in accordance with the requirements as set out in the General Provisions. The accessory buildings servicing a residential use meet the intent of both the Official Plan and Zoning By-law.

Is the variance minor

The submitted application requests an increased accessory building height of 9.0 metres, but the actual confirmed building heights of 5.75 metres and 5.9 metres are more in keeping with the maximum 5.0 metre requirement and are only being exceeded by less than 1.0 metre for both buildings. The buildings are also centrally located on the proposed lot with large set backs to the proposed lot lines. Based on this, the required increased variance from 5.0 metres to 5.9 metres can be considered minor.

Is the variance desirable

As stated above, the existing buildings are centrally located on the proposed lot and do not crowd the proposed lot lines. The immediate abutting lands are a mix of rural farmland and natural bush. The closest existing dwelling at 652 Kippen Road is located across the road, to the southeast. There is another residential lot severance immediately to the northwest that has been conditionally approved. However, the accessory buildings are in excess of 30 metres from the shared lot line with that proposed lot. There is no impact on neighbouring uses, and the buildings will provide additional storage space for this new residential lot. The variance can be considered desirable.

Based on the above review, it is staff’s opinion that the proposed variances to permit increased accessory building heights of 5.75 metres for the “log barn” and 5.9 metres for

the “timber frame barn” on the proposed residential lot meet the four tests of the Planning Act.

15. **RECOMMENDATIONS**

That subject to any additional concerns or information raised at the Committee of Adjustment Hearing, the Committee approve the following variances for 675 Kippen Road:

1. A variance to Section 3.3.6 to permit an increased accessory building height on a residential lot for the existing “log barn” from 5.0 metres to 5.75 metres; and
2. Section 3.3.6 to permit an increased accessory building height on a residential lot for the existing “timber frame barn” from 5.0 metres to 5.9 metres.

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Date: March 20, 2024  
Prepared by: Anne McVean, County Planner  
Reviewed by: Bruce Howarth, MCIP, RPP.  
Manager of Planning Services

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