

TOWNSHIP OF McNAB/BRAESIDE COMMITTEE OF ADJUSTMENT AGENDA

**Friday, June 13, 2025 – 11:00 a.m.
Township Municipal Office
2473 Russett Drive**

1. Call to open hearing.
2. Minutes of the previous hearing, April 30, 2025.
3. Declaration of a Pecuniary Interest (Money/Financial).
4. **Consideration of Application No. A-3/25**
Part of Lot 15, Concession 5 – 217 Deerfield Drive
Owners: Daniel O'Brien and Dianne O'Brien
 - (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
5. Decision by Committee for Application No. A-3/25, or call for a further hearing if required.
6. Appeal Rights
7. Other Business
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): Dan O'Brien
*Address: 217 Deerfield Drive White Lake
*Phone #: Home () Work () Cell (613) 797 2961
E-mail: dobrien@FirstonSite.ca
- 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: Daniel and Dianne O'Brien
*Address of Owner: 217 Deerfield Drive White Lake KOA-3LO
*Phone #: Home () Work () Cel. (613) 797-2961
- d) To whom should correspondence be sent? Owner ☐ Applicant ☐ Both ☒

2. *PROVIDE A DESCRIPTION OF THE SUBJECT LAND:

Street Address: 217 Deerfield Drive White Lake Ont KOA-3LO

Concession: _____ Lot: 21+22

Registered Plan No.: 404 Block or Lot No(s). in the Plan: _____

Reference Plan No.: 49M Part No(s): Part of Lot 15 Concession 5

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

~~RTA~~ Rural

4. *CURRENT ZONING OF THE SUBJECT LAND:

Residential. RU-E7

PART II DETAILS OF THE APPLICATION

5. *PLEASE STATE THE NATURE AND EXTENT OF THE RELIEF FROM THE ZONING BY LAW

Requesting Relief height of 6.4m.

Relief from Section 3.3.6 max accessory building height of 5 meters

6. *WHAT IS THE REASON WHY THE PROPOSED USE CANNOT COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW?

Second Storey make the structure too high.

7. *DIMENSIONS OF THE SUBJECT LAND:

Frontage: ? Depth: ? Area: ?

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:

10. *WHEN WAS THE SUBJECT LAND ACQUIRED BY THE CURRENT OWNER?

2015

11. *WHAT ARE THE EXISTING USES OF THE SUBJECT LAND AND HOW LONG HAVE THEY CONTINUED?

#1 Home - Attached Garage Since: Feb 12015 Years
#2 _____ Since: 1 Years

12. *ARE THERE ANY BUILDINGS OR STRUCTURES ON THE SUBJECT LAND?

☒ Yes ☐ No

13. *WHAT ARE THE "PROPOSED" USES OF THE SUBJECT LAND?

Garage and Storage Detached - Personal Storage

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
Type of building or structure	Home Attach Garage Yes	24x24 Garage
Setback from the front lot line	10 m	7.5 m
Setback from the rear lot line	16 m	7.5 m
Setbacks from the side lot lines	10 m	3 m
Height (in metres)		8.23 m
Dimensions or floor area	13625'	175.56' x 175.56'
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.: Plan 404 Status: Registered March 3, 1970

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) *[Signature]* Dianne O'Brien.

of the 217 Deerfield Drive

in the White Lake out KOA-3LO

do hereby authorize Dan O'Brien to act as my/our agent in this application.

[Signature]
Signature of Owner(s)

May 5, 2025
Date

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

I (we) James O'Brien
of the 217 Deer Field Drive
in the White Lake Ont K0M-3L0

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 Township of McNab/Braeside
in the County of Kent this 20 day of May, 2025.

Signature of Owner or Authorized Agent

Date

Signature of Commissioner

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 \$ 4300.00 RECEIVED BY THE MUNICIPALITY:

Date

Signature of Municipal Employee

Roll Number

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.

Date

Signature of Owner/Agent

Date

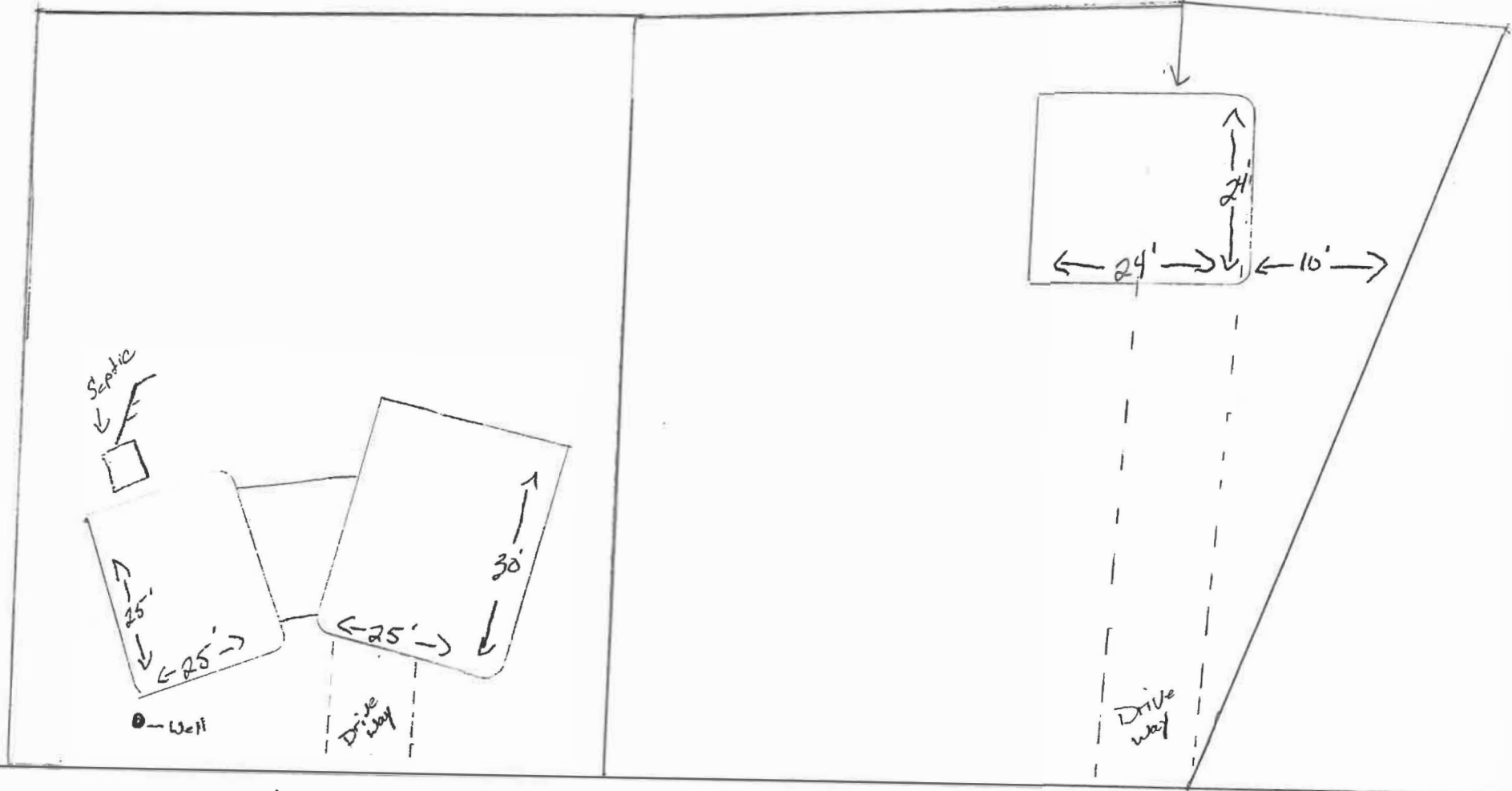
Sharon O'Brien

Signature of Owner/Agent

River

Ontario Hydro
Land.

30 meters
or more to Water
High Water Mark

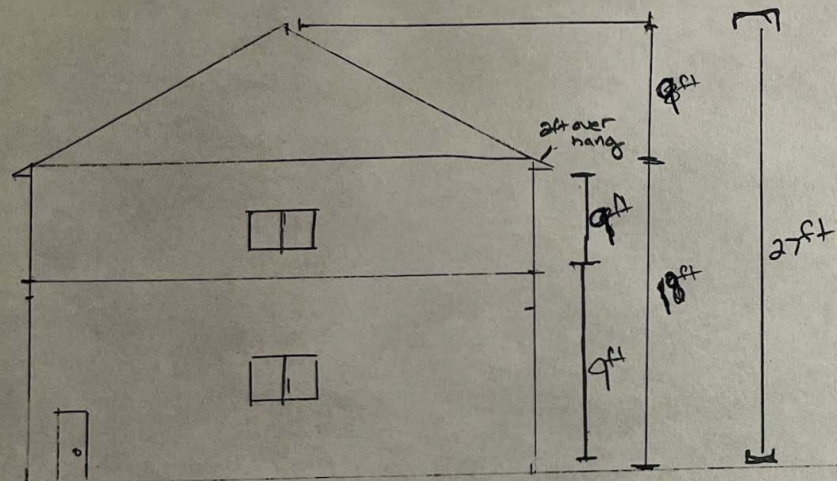


217 Deerfield Drive
Lot 21 of Subdivision of
Part of Lot 15
Concession 5

Lot 22

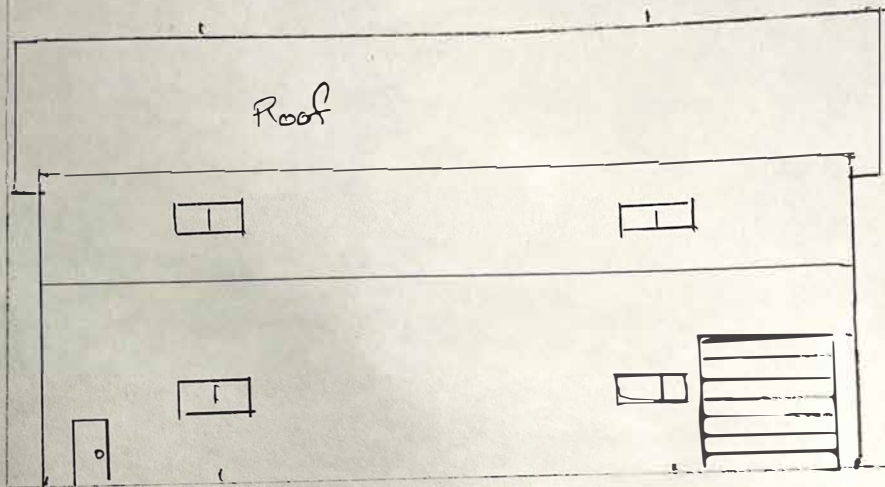
Prospective from Road
Right Elevation

Scale 3/32

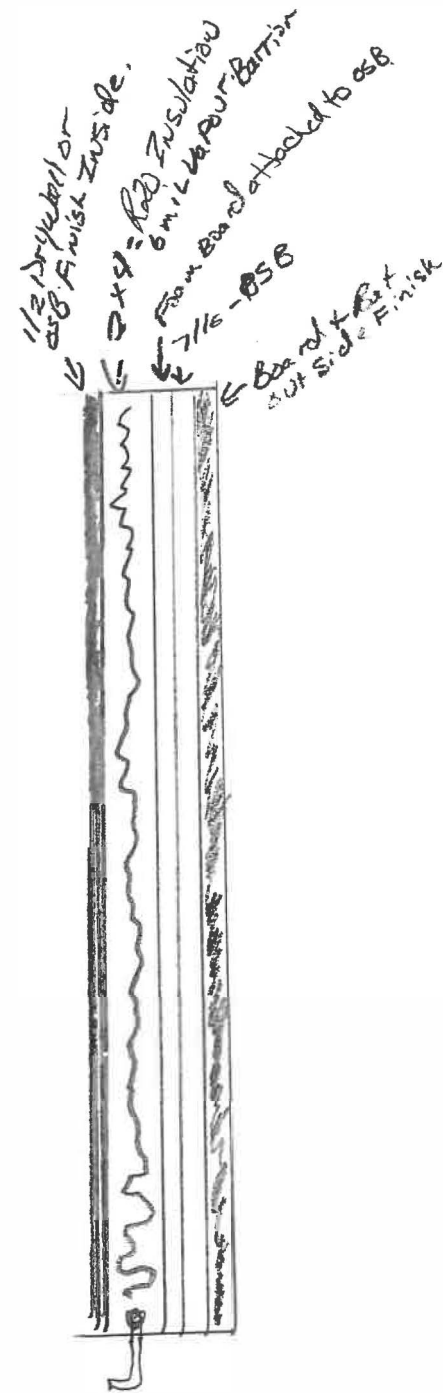
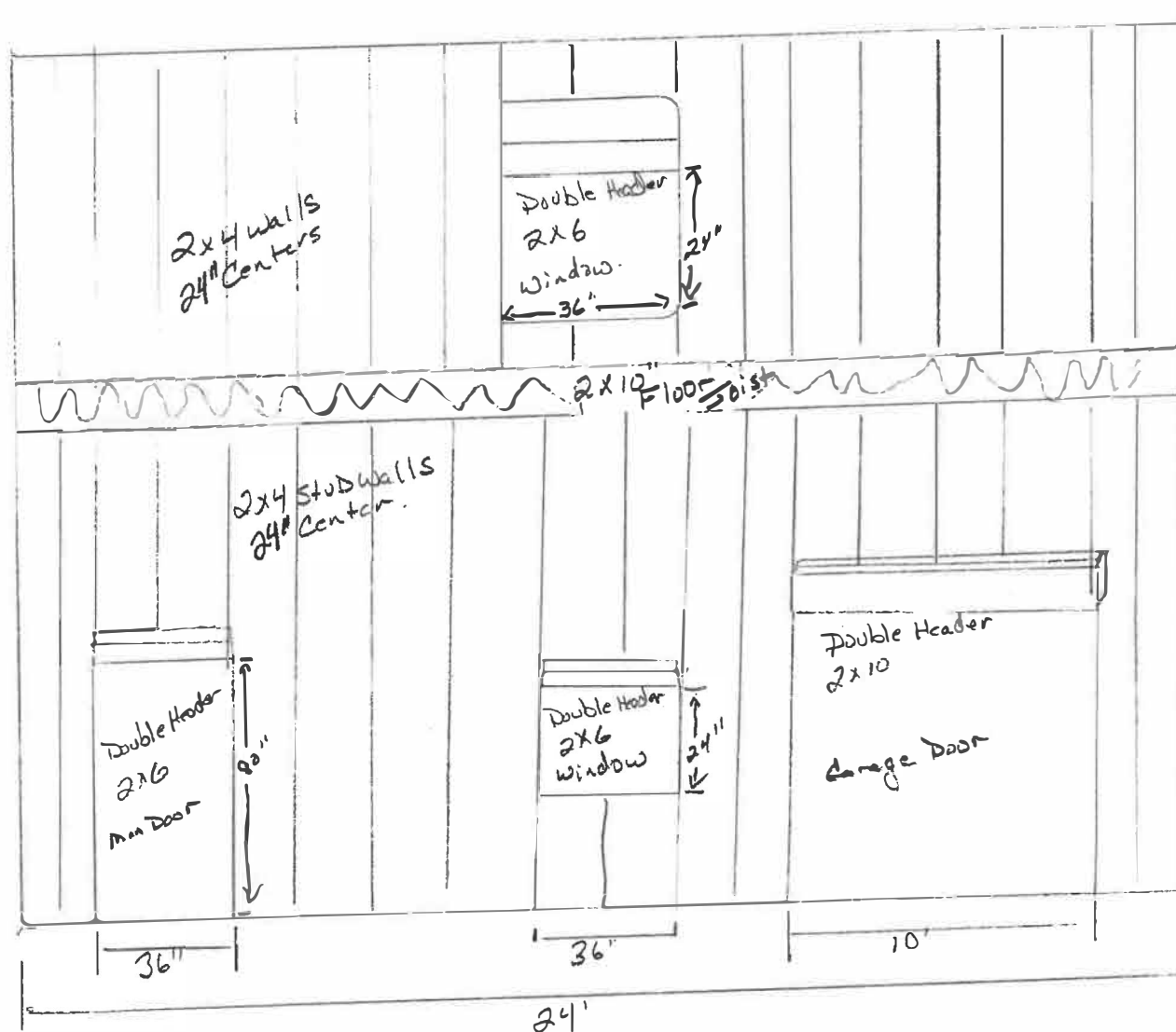


Left Elevation Identical to right
Except No Entrance

Front Elevation



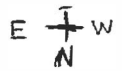
Rear Elevation Identical Except
No garage door or entrance



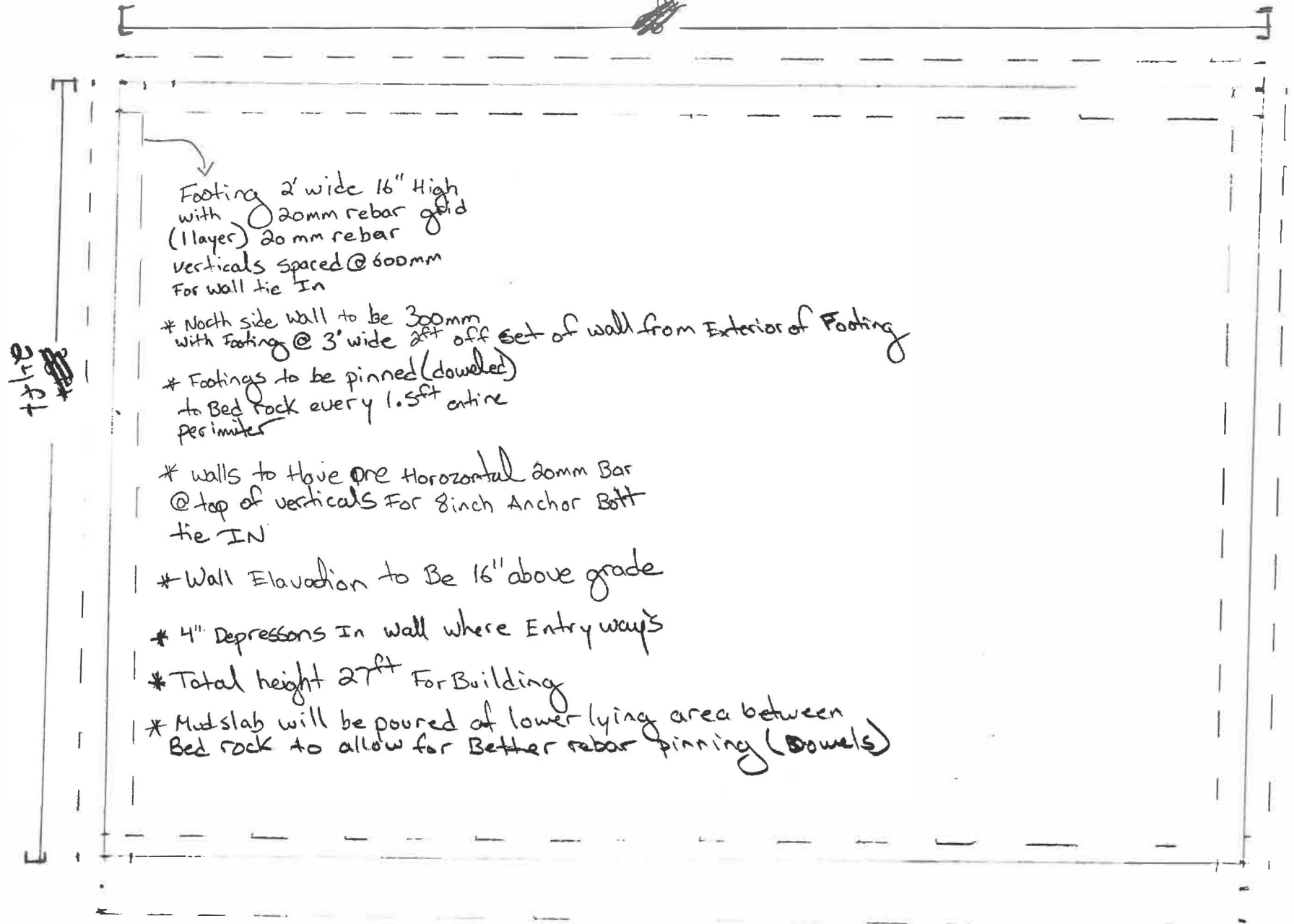
- Note
- Outside Finish may change Due to Price.
- Inside Finish may change Due to Price + availability
- Window & Door Size may Vary Due to Supply But all opening will have proper Headers
- Rough Lumber Construction with True Measurements to Save costs.

~~3/16~~
* NOT TO SCALE
REVISED TO 24x24

Foundation



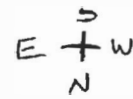
24ft



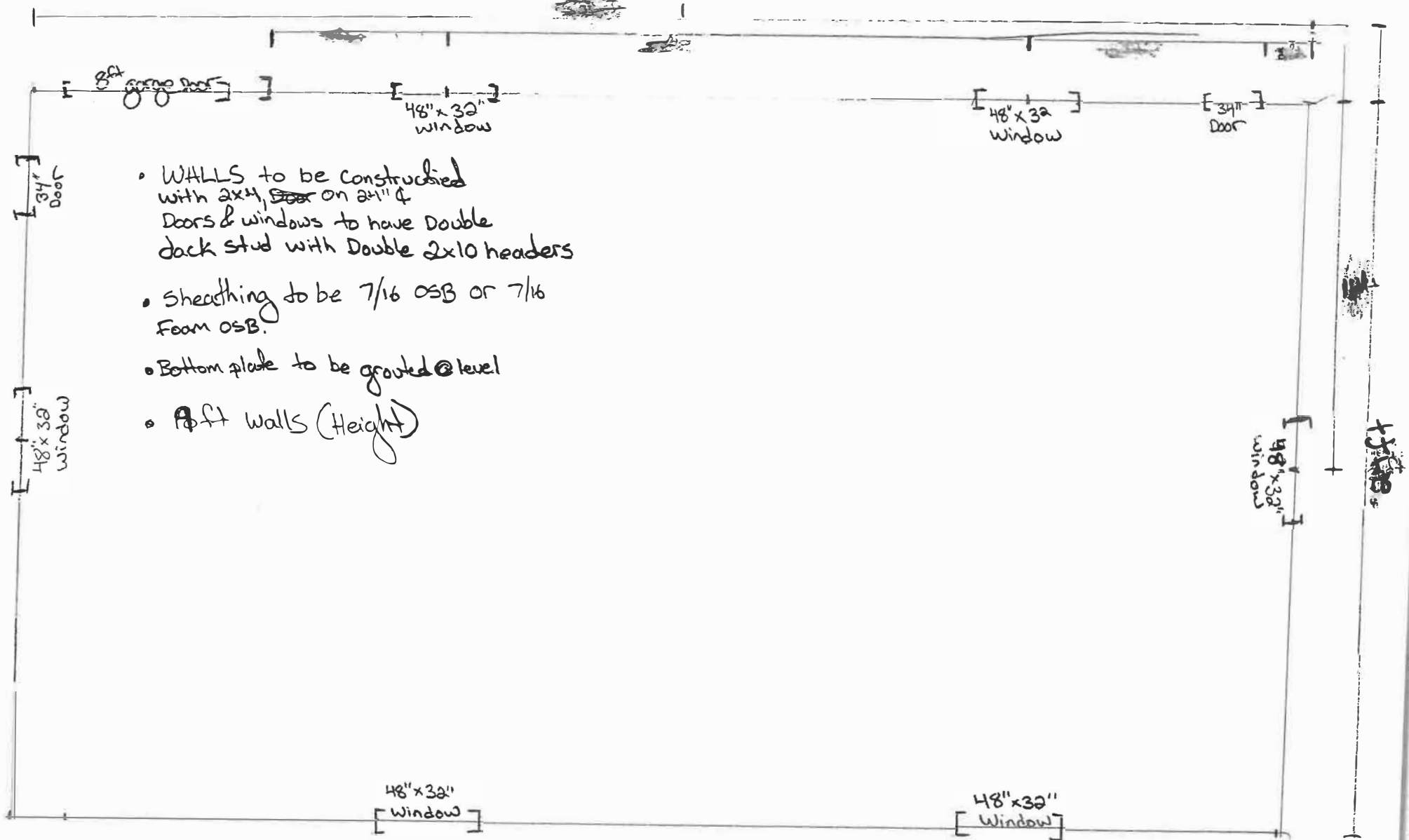
Plafs

~~Scale 1/8" = 1'-0"~~
 *NOT TO SCALE
 REVISED TO 24X24

First Floor



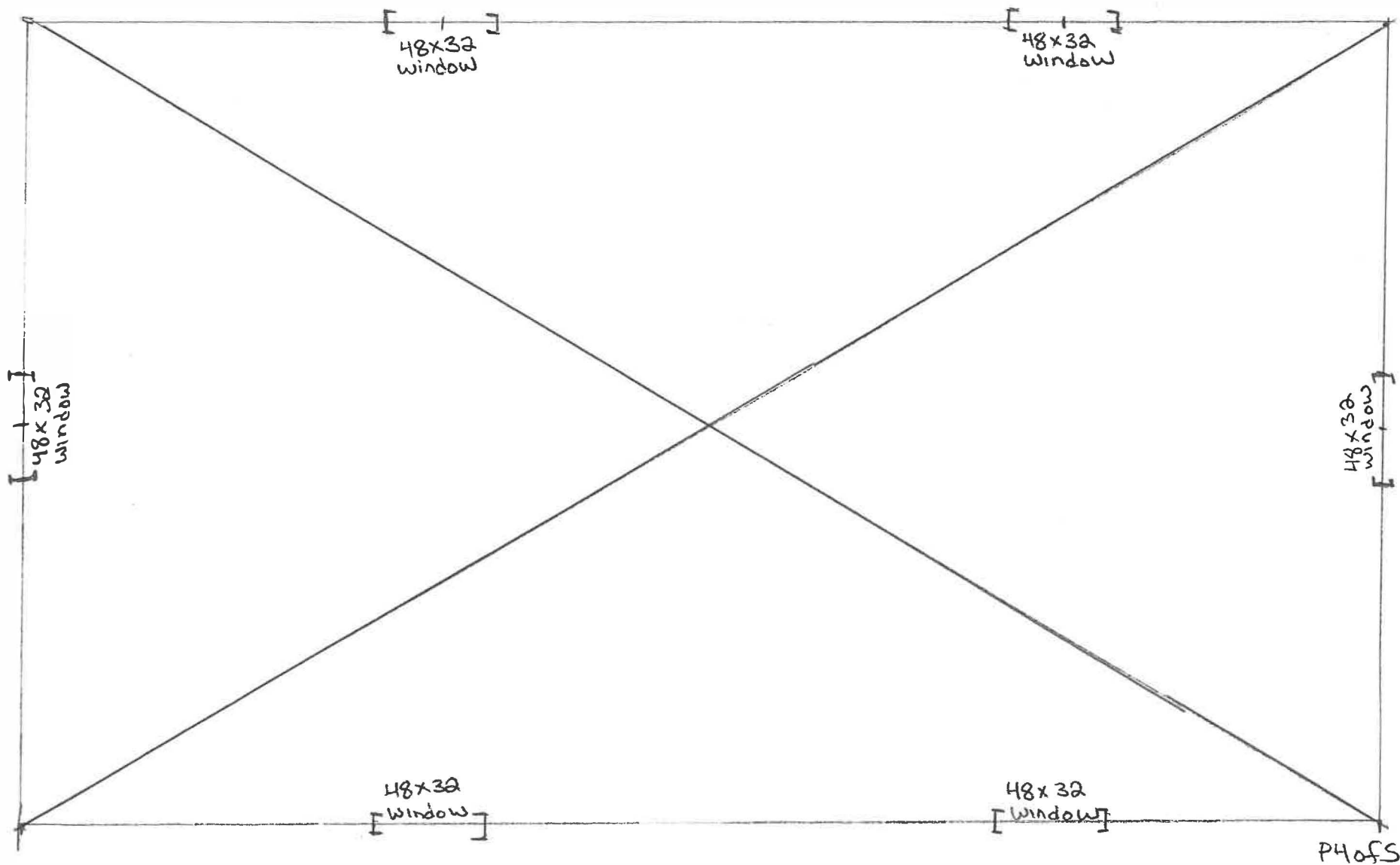
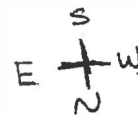
24ft



* Window Placement
Same as 1st floor
Point loads to be
carried through
to foundation

* 2x4 wall construction
@ 8ft height on 24" c
* 7/16 OSB sheathing for
exterior or OSB w foam

Second Floor



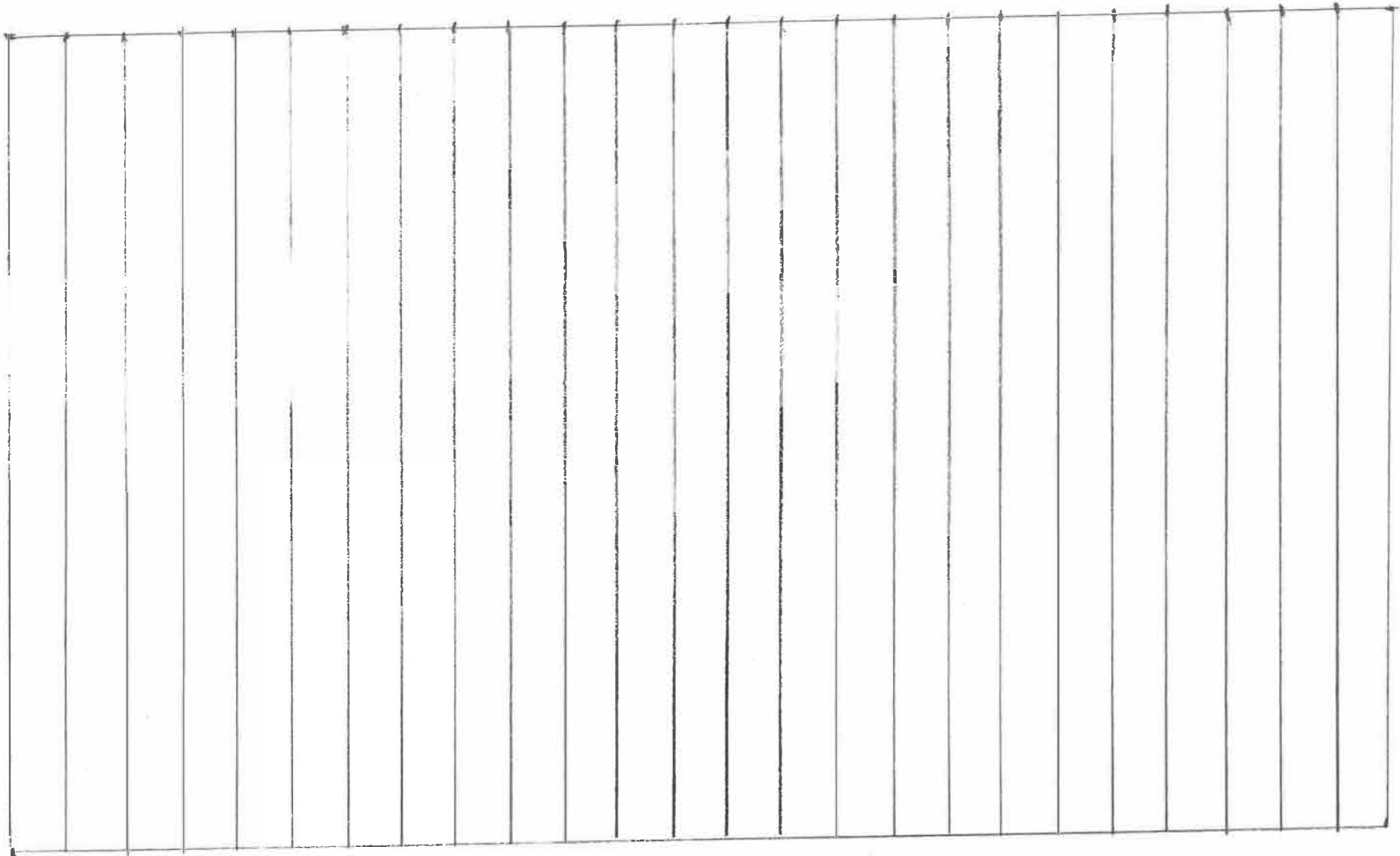
Roof Plan

Engineered
Trusses to be placed on 24" ϕ
According to ~~the~~ Manufacturer specs

* Roof Pitch
is $5/12$ over ~~24~~ 24 ft

* overhang to be 2 ft

* Roof to be sheathing w 7/16 OSB & shingled



From: [Dan O'Brien](#)
To: [Anne McVean](#)
Cc: [Angela Young](#); [Christina Mulcahey](#)
Subject: RE: Clarifications - 217 Deerfield Drive - Application for Minor Variance
Date: May 22, 2025 2:36:48 PM

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

Ms. McVean,

Thank you for the clarification.

In this case, hiring a lawyer to provide a written opinion for what appears to be a minor administrative matter would not be cost-effective. Realistically, we're looking at what should amount to about an hour of administrative work, billed at an internal rate. Legal fees would likely exceed \$2,000, which seems disproportionate to the issue at hand.

It would be far more productive if the Township could simply confirm the standard fee for processing the deeming by-law. I will wait to hear from Angela regarding the amount.

To be clear, I am not refusing to pay—I just want to ensure this doesn't slow things down unnecessarily. My goal is to move forward efficiently, and I appreciate your continued assistance in that regard.

Best Regards

Dan O'Brien

First OnSite Restoration

Project Manager, Large Loss North America

Mobile: 613.797.2961

110 Matheson Blvd W, Suite 210

Mississauga, Ontario L5R 4G7

24/7 EMERGENCY SERVICE: 877.778.6731

[FIRSTONSITE.CA](#)

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From: Anne McVean <AMcVean@countyofrenfrew.on.ca>

Sent: May 22, 2025 2:22 PM

To: Dan O'Brien <dobrien@firstonsite.ca>

Cc: Angela Young <ayoung@mcnabbraeside.com>; Christina Mulcahey <cmulcahey@mcnabbraeside.com>

Subject: RE: Clarifications - 217 Deerfield Drive - Application for Minor Variance

CAUTION: This email originated from outside of the organization!

ATTENTION! Ce courriel provient d'une source externe!

Thank you Dan.

If your lawyer can provide a written opinion that your property consisting of two lots on a registered plan of subdivision are in fact one conveyable property, the deeming by-law would not be required. This option can also be built into the condition on the minor variance decision.

Fees for these processes are set by the Township and would have to be discussed with Angela.

Anne McVean

County Planner
Development & Property Department
County of Renfrew
9 International Drive
PEMBROKE ON, K8A 6W5
amcvean@countyofrenfrew.on.ca
613-735-7288 ext. 470 / 1-800-273-0183
Fax: 613-735-2081

From: Dan O'Brien <dobrien@firstonsite.ca>

Sent: May 22, 2025 2:17 PM

To: Anne McVean <AMcVean@countyofrenfrew.on.ca>

Cc: Angela Young <ayoung@mcnabbraeside.com>; Christina Mulcahey
<cmulcahey@mcnabbraeside.com>

Subject: RE: Clarifications - 217 Deerfield Drive - Application for Minor Variance

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

Ms. McVean,

Thank you for your time and for the detailed summary of our recent conversation. I confirm that I understand and agree with the requirement to merge Lots 21 and 22 through a deeming by-law under Section 57 of the Planning Act. I have no intention of selling the lots separately and am comfortable with the outcome of having one conveyable property.

That said, I would like to express some concern regarding the associated costs. To date, I have already invested approximately \$4,300 into this process and continue to pay annual property taxes. Given that the lots were sold to me as a single property and have always been assessed under one tax roll number, I find it difficult to understand why the financial responsibility to resolve what appears to be an administrative or historical issue now falls entirely to me.

If these costs are likely to delay the approval or completion of the process, I would be prepared to pay them in order to move forward. That said, I would still like to explore the possibility of a refund or cost-sharing arrangement at a later stage. My main priority is to ensure this is completed in a timely manner.

Thank you again for your support, and please let me know if I have misunderstood any aspect of the process.

Best Regards

Dan O'Brien

First OnSite Restoration

Project Manager, Large Loss North America

Mobile: 613.797.2961

110 Matheson Blvd W, Suite 210

Mississauga, Ontario L5R 4G7

24/7 EMERGENCY SERVICE: 877.778.6731

FIRSTONSITE.CA

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From: Anne McVean <AMcVean@countyofrenfrew.on.ca>

Sent: May 22, 2025 2:02 PM

To: Dan O'Brien <dobrien@firstonsite.ca>

Cc: Angela Young <ayoung@mcnabbraeside.com>; Christina Mulcahey
<cmulcahey@mcnabbraeside.com>

Subject: Clarifications - 217 Deerfield Drive - Application for Minor Variance

CAUTION: This email originated from outside of the organization!

ATTENTION! Ce courriel provient d'une source externe!

Dan:

Thank you for our telephone conversation this afternoon regarding your application and proposed use. The following are the main points discussed:

1. Even though you have one assessment/tax roll number, your legal description indicates you have two separately conveyable lots (Lot 21 and Lot 22, registered Plan 404).
2. Both of these lots individually, and together, are much smaller in area than today's standards for a rural residential lot.
3. The Township's Zoning By-law recognizes existing undersized lots and they can be developed provided they can meet required setbacks and be serviced with a well and septic system.
4. The Township's Zoning By-law only permits one dwelling per lot and you cannot have an accessory building on a lot prior to a main use.
5. On Lot 21, you have a dwelling with attached garage – permitted. On Lot 22 you want an accessory building for storage – not permitted unless there is a house on that lot first.
6. You stated you have no intention of selling the lots separately in the future and would not be opposed to having them merged.
7. The Township will process your minor variance application but, one of the conditions of approval will have to be that the two lots are merged through a deeming by-law under

Section 57 of the Planning Act. This will have the result that your two lots will be merged as a single conveyable lot that contains the existing dwelling with attached garage and a new accessory building (to the dwelling) – permitted by the Zoning By-law.

8. Lastly, I stressed that the accessory building cannot be lived in nor treated as a dwelling. The merged lot is not large enough to qualify for an additional dwelling unit. It will be an accessory storage building.
9. The deeming by-law would be done after you have a conditional decision on the minor variance.

I just wanted to be sure that you understood the implications that in the end you would end up with one conveyable property instead of two. I did not, but should have, advised that there will be a cost to having the deeming by-law done. It is a relatively short process. Regarding associated costs for the deeming by-law, please contact Angela Young.

Please respond that you have received this message and if I have misconstrued anything.

Thank you,

Anne McVean

County Planner
Development & Property Department
County of Renfrew
9 International Drive
PEMBROKE ON, K8A 6W5
amcvean@countyofrenfrew.on.ca
613-735-7288 ext. 470 / 1-800-273-0183
Fax: 613-735-2081

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TOWNSHIP OF McNAB/BRAESIDE
COMMITTEE OF ADJUSTMENT

McNab/Braeside NOTICE OF HEARING AND REQUEST FOR COMMENTS

To: CAO/Clerk

Date: May 26, 2025

Place: McNab/Braeside Municipal Office
2473 Russett Drive, Arnprior

File: Minor Variance Application
A-3/25

Hearing Date: Friday, June 13, 2025

Owner/Agent: Daniel O'Brien and Dianne
O'Brien (Owners)
Daniel O'Brien (Agent)

Time: 11:00 a.m.

Property Location: 217 Deerfield Drive
Lots 21 and 22, Plan 404
Part of Lot 15, Concession 5

Application **A-3/25** has been received and will be heard by the Township of McNab/Braeside Committee of Adjustment on the above noted date. So that the application can be properly considered in accordance with the requirements of The Planning Act, the Committee requests that the information requested below is completed and one copy returned to the Committee.

Anne McVean, County Planner
amcvean@countyofrenfrew.on.ca

1. BUILDING DEPARTMENT COMMENTS:

No concerns.

Zoning proof lots 21 and 22 are merged.

Chief Building Official

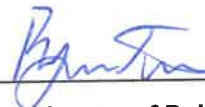
Building Inspector

2. PUBLIC WORK COMMENTS

- | | Yes | No | N/A |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| (a) Are the following services available to this land? | | | |
| Municipal Water | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sanitary Sewers | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Electricity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Garbage Collection | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Does the subject lot have <u>direct</u> access to a public road maintained by the Municipality? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) If direct access is to a municipal public road: | | | |
| (i) Would access be obtained where a traffic hazard would be created because of limited sight lines, curves or grades? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (ii) Is the Municipality willing to issue an entrance permit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (iii) Is road widening or dedication required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments:

Entrances are existing. No additional comments or concerns.



Director of Public Works

3. FIRE DEPARTMENT COMMENTS:

No concerns



Fire Chief

4. COUNCIL/PLANNING ADVISORY COMMITTEE COMMENT

Yes
☒

No
☐

- (a) Does Council recommend minor variance be given?
(i) If not, outline reasons why.

- (b) Should the minor variance be granted, what conditions, if any, would Council wish to see applied?

Condition that confirmation be received that
lots 21 & 22 on Plan 404 have been deemed.

June 4, 2025
Date

Brenden Lee
CAO/Clerk

MINOR VARIANCE PLANNING REPORT

PART A – BASIC INFORMATION

1. FILE NO.: A-3/25
2. APPLICANT: Daniel O'Brien and Dianne O'Brien (Owners)
Daniel O'Brien (Agent)
3. MUNICIPALITY: Township of McNab/Braeside
(geographic Township of McNab)
4. LOT: 15 CONC: 5 (Lots 21 and 22, Plan 404) STREET: 217 Deerfield Drive

SUBJECT LANDS

5. COUNTY OF RENFREW OFFICIAL PLAN Land Use Designation(s): Rural
6. TWP OF McNAB/BRAESIDE ZONING BY-LAW 2010-49 Zone Category(s) Rural-Exception Seven (RU-E7)

7. DETAILS OF MINOR VARIANCE REQUEST

The minor variance application requests a variance to Section 3.3.6 of the Township's Zoning By-law to permit a new 53 square metre accessory building with an increased maximum building height from 5.0 metres (16.4 feet) to 6.9 metres (22.5 feet) on a residential lot to be used for a garage and personal storage.

8. SITE PERFORMANCE STANDARDS

Zoning By-law Standard

Section 3.3.6

Permitted

Maximum 5.0 metre accessory
building height in any
Residential Zone

Proposed

6.9 metre accessory building
height

9. **SITE CHARACTERISTICS AND SETTING**

The subject property (outlined in yellow) is located at 217 Deerfield Drive. The subject lands are described as Lot 21 and Lot 22, on registered plan of subdivision 404. Together they are 0.29 hectares, have road frontage on Deerfield Drive and abut the Madawaska River. The lands accommodate an existing single detached dwelling with attached garage located on Lot 21). The proposed new accessory building would be located on Lot 22.

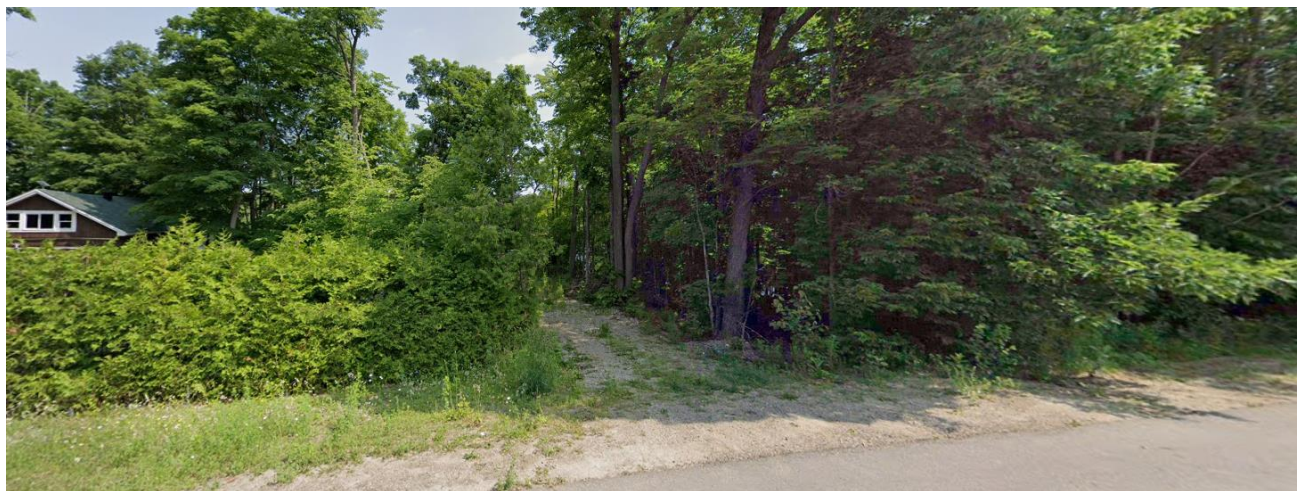


The property is located approximately 0.8 kilometres west of the Stewartville dam, on the south side of the Madawaska River. West of the lot, are many long-existing rural residential lots of similar size. Immediately to the east is a small parcel of land owned by the Township, one other residential lot, then beyond that a large rural property. To the north is the Madawaska River, and large rural properties with natural bush and wetlands. There are two residential lots immediately to the south, and beyond that large rural properties with a mix of farmland and natural bush.



(Please note that for the images displayed on this page, there appears to be a slight shift between the property lines and the air photo, due to different information sources.)

Below are street views of the existing dwelling with attached garage and the lands to the southeast where the proposed accessory building would be located.

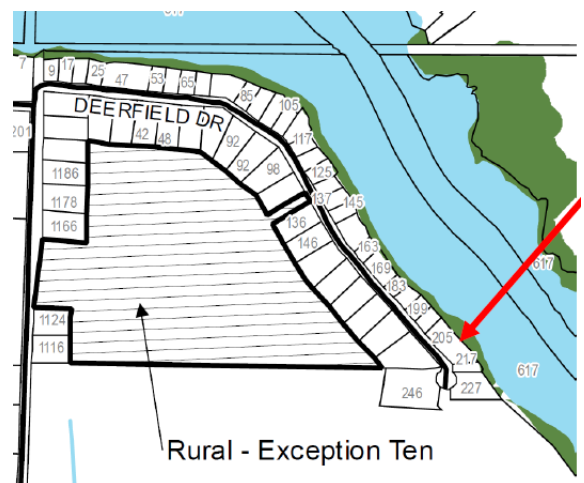


10. **OFFICIAL PLAN**

The subject lands are designated as Rural in the County of Renfrew Official Plan.

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

The abutting Ontario Power Generation lands along the Madawaska River are designated Environmental Protection. Section 8.3(1) of the Environmental Protection designation limits uses to conservation of soil and wildlife, non-intensive outdoor recreational uses, forestry dams and other water control devices, boat anchorages and moorings, etc.



Section 2.0 General Development Policies contains various general policies that may apply to a specific property and/or proposal.

Section 2.2(9)(e)(4) of the Floodplain policies identifies a one-zone approach and specific flood elevations along the Madawaska River determined with input from the Ministry of Natural Resources and Forestry, and Ontario Power Generation (OPG). Subsection ii. applies to the lands along the Madawaska River above the Stewartville dam where lands below the 146.3 metre geodetic contour may be susceptible to flooding.

Section 2.2(11) establishes policies for water setbacks and the protection of shoreline integrity. A minimum 30 metre setback is required for all buildings and structures from the high water mark of a water body.

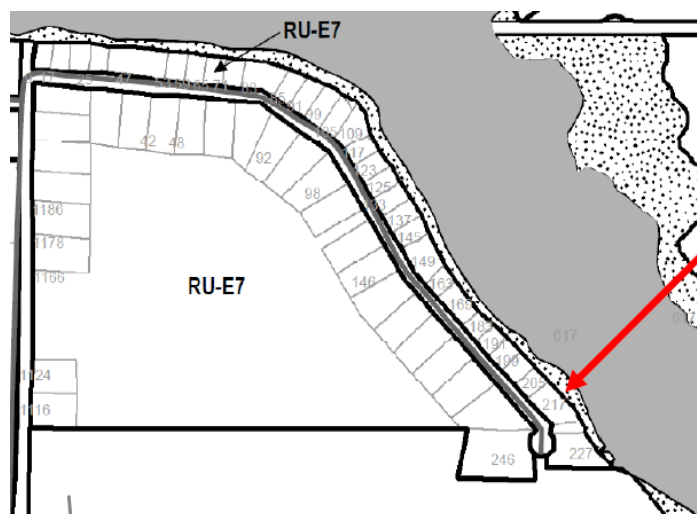
Section 13.3(3) are the local municipal road policies and any new development fronting on a municipal road must meet the road authority's requirements.

11. **ZONING BY-LAW**

The subject property is zoned Rural-Exception Seven (RU-E7). Section 17.1(a) of the RU Zone permits a single detached dwelling.

Section 17.3(2) of the Rural (RU) Zone sets out the requirements for building setbacks, maximum coverage and building heights for main permitted uses (i.e. dwelling).

Section 17.2(c) requires a minimum 7.5 metre front yard setback from the lot line abutting a road.



Section 7.2(i) permits a maximum lot coverage of 33%.

Section 17.2(o) of the RU Zone permits accessory uses, buildings and structures in accordance with Section 3 of the Zoning By-law.

Section 17.3 Rural-Exception Seven (RU-E7) that applies to the subject lands, the only permitted use shall be a single detached dwelling.

Section 3.3 sets out various requirements for accessory buildings and structures:

Section 3.3.1 states that no accessory use, building or structure shall be built on a lot until the principal or main use, building or structure has been built on the lot.

Section 3.3.2 stipulates that no accessory building or structure shall contain a habitable room except where a dwelling is a permitted accessory use.

Section 3.3.4 directs that no accessory building or structure shall be located within any minimum required front yard depth.

Section 3.3.5 requires accessory buildings and structures to meet a minimum 3 metre setback from any lot line.

Section 3.3.6 identifies that accessory buildings in a Residential zone shall not exceed 5.0 metres in height.

Section 3.23(d) requires a minimum 30 metre setback from the high water mark of a water body for all buildings and structures.

Section 3.27 2) identifies that on the Madawaska River above the Stewartville dam, lands below the 146.3 m geodetic contour are susceptible to flooding.

Section 3.34 Secondary Dwelling Units sets out criteria for secondary/additional dwelling units. Lots 4047 square metres or less in area on private well and septic services do not qualify for a secondary dwelling unit.

Section 2.0 Definitions defines terms found throughout the Zoning By-law.

Section 2.99(c) defines Height, as it relates to buildings with a gable roof, as being the vertical distance between the average elevation of the finished surface of the ground at the front of the building and the mean height between the eaves and the ridge.

Section 2.101 defines High Water Marks as the mark made by the action of water under natural conditions on the shore or bank of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

12. **STUDIES**

No studies were submitted or required in support of this application.

13. **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

Any comments received in addition to those, below, will be provided at the Hearing.

AGENCY COMMENTS

Township of
McNab/Braeside

June 4, 2025

- Building Department identifies that proof is required that Lots 21 and 22 are merged.
- Public Works Department identifies that entrances are existing. No additional comments or concerns.

- Fire Department has no concerns.
- Council recommends the minor variance be given on condition that confirmation be received that Lots 21 and 21 on Plan 404 have been deemed.

Ontario Power
Generation

Circulated

- No comments received as the writing of this report.

PUBLIC COMMENTS

- No comments received as of the writing of this report.

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 property is designated as Rural in the Official Plan and zoned Rural-Exception Seven (RU-E7) in the Zoning By-law, and both allow buildings and structures that are considered normally incidental to residential uses. The applicant has explained that the current dwelling is small and more storage area is required for personal belongings.

This property is adjacent to the Madawaska River. The proposed building must meet requirements related to the floodplain, water setback and building setbacks from lot lines.

Floodplain

The Madawaska River is controlled by Ontario Power Generation and therefore has water levels that fluctuate. For this part of the river, lands below the 146.3 metre geodetic contour are susceptible to flooding. Based on the sketch, the proposed location of the accessory building appears to be above the 155 metre contour. The application was circulated to OPG for review.

Water Setback

Buildings and structures are also required to be a minimum of 30 metres from the high water mark of a water body. This is measured as a horizontal distance from the high water mark, as defined in Section 2.101 of the Zoning By-law. The lot is capable of accommodating the minimum 30 metre setback from the river.

Building Setbacks

Lastly, an accessory building must meet the minimum 3 metre accessory building setback from the rear lot line (adjacent to the river) and the east side lot line which the lot is capable of accommodating.

The proposed accessory building can meet all of the requirements with the exception of building height which would exceed the maximum permissible accessory building height of 5.0 metres, by an additional 1.9 metres.

The subject property also fronts on and accesses Deerfield Drive, a local municipal road. No issues or concerns were identified by the Township's Public Works Department.

The comments from both the Township's Building Department and Council identified the need for Lots 21 and 22, Plan 404 to be merged. This issue is explained below.

Aside from the requested variance, the legal description and status of the property is a critical consideration for this application. This property is legally described as Lot 21 and Lot 22, registered Plan 404. Although it is assessed as a single property for tax purposes, the legal description indicates that it consists of two legally separate lots. Lots in plans of subdivision can be legally merged through the deeming process under Section 50(4) of the Planning Act. This requires that the municipality pass a deeming by-law and the approved by-law is registered on title to the lands identified in the by-law. Township staff was unable to confirm if a deeming by-law had been passed for these lands in the past. County staff suggested the owner get a written legal opinion on the status of the lots but it was not provided.

This is critical to this minor variance application because the existing dwelling is located on Lot 21 and the new accessory building is proposed to be located on Lot 22. Section 3.3.1 states that no accessory use, building or structure shall be built on a lot until the principal or main use, building or structure has been built on the lot. To permit the proposed shed, it must be on the same lot as the dwelling. A favourable decision for the requested minor variance would require a condition that the applicant provide either:

- (1) a written legal opinion from his lawyer that the lots constitute a single legally conveyable property; or
- (2) a deeming by-law under Section 50(4) of the Planning Act for Lots 21 and 22, Plan 404 will be required to be registered on title to the subject lands.

General Intent of the Official Plan and Zoning By-law

As identified, above, buildings accessory to a main use are a permitted use. The subject lands are currently not over-developed and have room to accommodate the proposed accessory building. The proposed building location is above the Madawaska River floodplain elevation and can be located to meet minimum setbacks from the high water mark of the Madawaska River, and from the rear and side lot lines. The proposed location of the building, even with an increased building height by 1.9 metres, is satisfactory.

The proposed accessory building meets the intent of the Official Plan and Zoning By-law.

Is the variance desirable?

The accessory building is proposed to serve a dual purpose for parking and personal storage. The additional height is being requested to accommodate the storage area. The

closest neighbouring property to the proposed building is immediately to the east. It is a very small parcel and is owned by the Township. It has no buildings and structures and is completely tree covered. It would not qualify as a residential lot for a future dwelling. The proposed accessory building location on the subject lands is near the back of the property while the front of the property is heavily treed. The new building will be barely visible, if at all, from the Deerfield Drive and the dwellings located across the road. Based on these factors, the variance can be considered desirable.

Is the variance minor?

In considering this test, there is no specific number or percentage above or below which a variance is considered minor or not. The variance must be considered in terms of context. The proposed building height, by definition is 1.9 metres higher than the permitted 5.0 metres, totalling 6.9 metres. It is a relatively high accessory building with each storey proposed to be 2.74 metres (9.0 feet) in height. Although the lot is relatively small in area by current rural residential lot standards, it is not crowded by other residential lots that could be negatively impacted by the proposed building height. The location near the back of the property and the existing vegetation buffering also reduces impact. In the context of this property, its location, existing vegetation cover and surrounding uses, the variance can be considered minor.

Over all, the proposed development meets the intent of the Township's land use planning documents, is desirable and appropriate for the lands, and the variance requested can be considered minor. The requested variance meets the four tests of the Planning Act.

It must be noted, that this lot is less than 4047 square metres in area and is serviced by well and septic. Based on the type of servicing and the lot size, the lot is not large enough to qualify for an additional dwelling unit under Section 3.34 of the Zoning By-law.

15. **RECOMMENDATIONS**

That subject to any additional concerns or information raised at the Committee of Adjustment Hearing, the Committee approve the requested variance to Section 3.3.6 of the Zoning By-law to permit a maximum 6.90 metre building height for the proposed accessory building, as depicted in minor variance application A-3/25 for 217 Deerfield Drive, subject to the following condition:

1. That one of the following is fulfilled:

- a) The applicant provides the Township with a written legal opinion from his lawyer confirming that the lots constitute a single legally conveyable property;

or

- b) The applicant completes a deeming by-law with the Township under Section 50(4) of the Planning Act for Lots 21 and 22, Plan 404, including registration of the by-law on title to the lands.

Date: June 6, 2025
Prepared by: Anne McVean, County Planner
Reviewed by: Bruce Howarth, MCIP, RPP
Manager of Planning Services

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