

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

**Thursday, May 2, 2024 - 11:00 a.m.
Township Municipal Office
2473 Russett Drive**

1. Call to open hearing.
2. Minutes of the previous hearing, April 4, 2024.
3. Declaration of a Pecuniary Interest (Money/Financial).
4. Consideration of Application No. A-4/24
106 Donald Street – Roger Magoon
 - (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-4/24, 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*

<u>PART I</u>	<u>GENERAL INFORMATION</u>
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1. APPLICANT/OWNER INFORMATION

- a) *Applicant's Name(s): Roger Magoon
- *Address: 106 Donald Street, Braeside, ON K0A 1G0
- *Phone #: Home (613) 623.4060 Work () Cell (613) 883.8300
- E-mail: roger@magoon.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: Roger Magoon, Bernadette Miller, Ciara Scott, Matthew Scott
- *Address of Owner: 106 Donald Street, Braeside, ON K0A 1G0
- *Phone #: Home (613) 623.4060 Work () Cell (613) 883.8300
- d) To whom should correspondence be sent? Owner [☐] Applicant [☐] Both [☒]

2. *PROVIDE A DESCRIPTION OF THE SUBJECT LAND:

Street Address: 106 Donald Street, Braeside, ON K0A 1G0

Concession: B Lot: 1

Registered Plan No.: 473 Block or Lot No(s). in the Plan: A

Reference Plan No.: PIN 57326-0040 (LT) Part No(s):

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

Village Community

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

R1

PART II DETAILS OF THE APPLICATION

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

Would like to locate the Secondary Dwelling Unit (SDU) on the southwest side of the front yard.

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

The existing primary dwelling on the property is located approximately halfway between the front lot line and the rear lot line. Unlike most lots in the community there is a rock ridge that starts in the southwest corner (front/side yard) of the lot and extends towards the north east lot lines (side/rear yard). The elevated rock ridge is approximately 5 metres higher in elevation than the existing Front Yard of the property. The existing dwelling is built into the rock ridge and portions of the basement were left un-excavated due to the challenges faced with excavation and footing depths along the rock ridge. The east Side Yard is taken up by an existing fenced in ground pool with limited setback from the east lot line. Locating the proposed secondary dwelling within the Side Yard/Rear Yard would present significant challenges for vehicular and person accessibility, constructibility and would elevate the proposed dwelling many metres above the height of the existing dwelling.

7. ***DIMENSIONS OF THE SUBJECT LAND:**

Frontage: 63 m on Donald Street Depth: 131 m Area: .84 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:**

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

1989

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

#1 Residential Home Since: 1989 / 35 Years

#2 _____ 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?**

Add Secondary Dwelling Unit for grandparents as part of extended family.

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	House			House	
Setback from the front lot line	35 m			11 m	
Setback from the rear lot line	80 m			108 m	
Setbacks from the side lot lines	24 m NW 21 m SE			13.9 m NW 36.8 m SE	
Height (in metres)	7.6 m			4.3 m	
Dimensions or floor area	15 m x 11 m			10.6 m x 9.2 m	
Date constructed	1980				

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 ☐ publicly owned and operated piped sanitary sewage system ☐
 privately owned and operated individual well ☒ publicly owned and operated communal septic system ☐
 privately owned and operated communal well ☐ publicly owned and operated individual septic system ☐
 lake or other water body ☐ privately owned and operated individual septic system ☒
 other means: _____ ☐ 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.: _____ Status: _____

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) Roger Magoon, Bernadette Miller, Ciara Scott, Matthew Scott

of the Township of McNab-Braeside

in the County of Renfrew

do hereby authorize Roger Magoon to act as my/our agent in this application.


Signature of Owner(s) Roger Magoon

8 April 2024

Date

10. DECLARATION OF FEES INCURRED

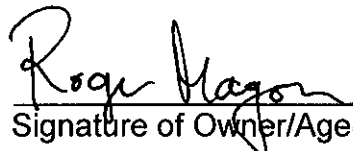
The Owner/Agent agrees to reimburse and indemnify the Township of McNab/Braeside of all fees and expenses incurred by the Township of McNab/Braeside to process the application, including any fees and expenses attributed to proceeding before the Local Planning Appeal Tribunal or any court or other administrative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

8 April 2024

Date



Signature of Owner/Agent

Date

Signature of Owner/Agent

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

I (~~we~~) ROGER MAGOON
of the TOWNSHIP OF McNAB-BRAESIDE
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 Township of McNab/Braeside
in the County of Renfrew this 8th day of April, 2024

Roger Magoon
Signature of Owner or Authorized Agent

8 APRIL 2024
Date

Angela Patricia Young
Signature of Commissioner

April 8, 2024
Date

ANGELA PATRICIA YOUNG, a Commissioner, etc.,
County of Renfrew, for the Corporation of the
Township of McNab-Braeside

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.

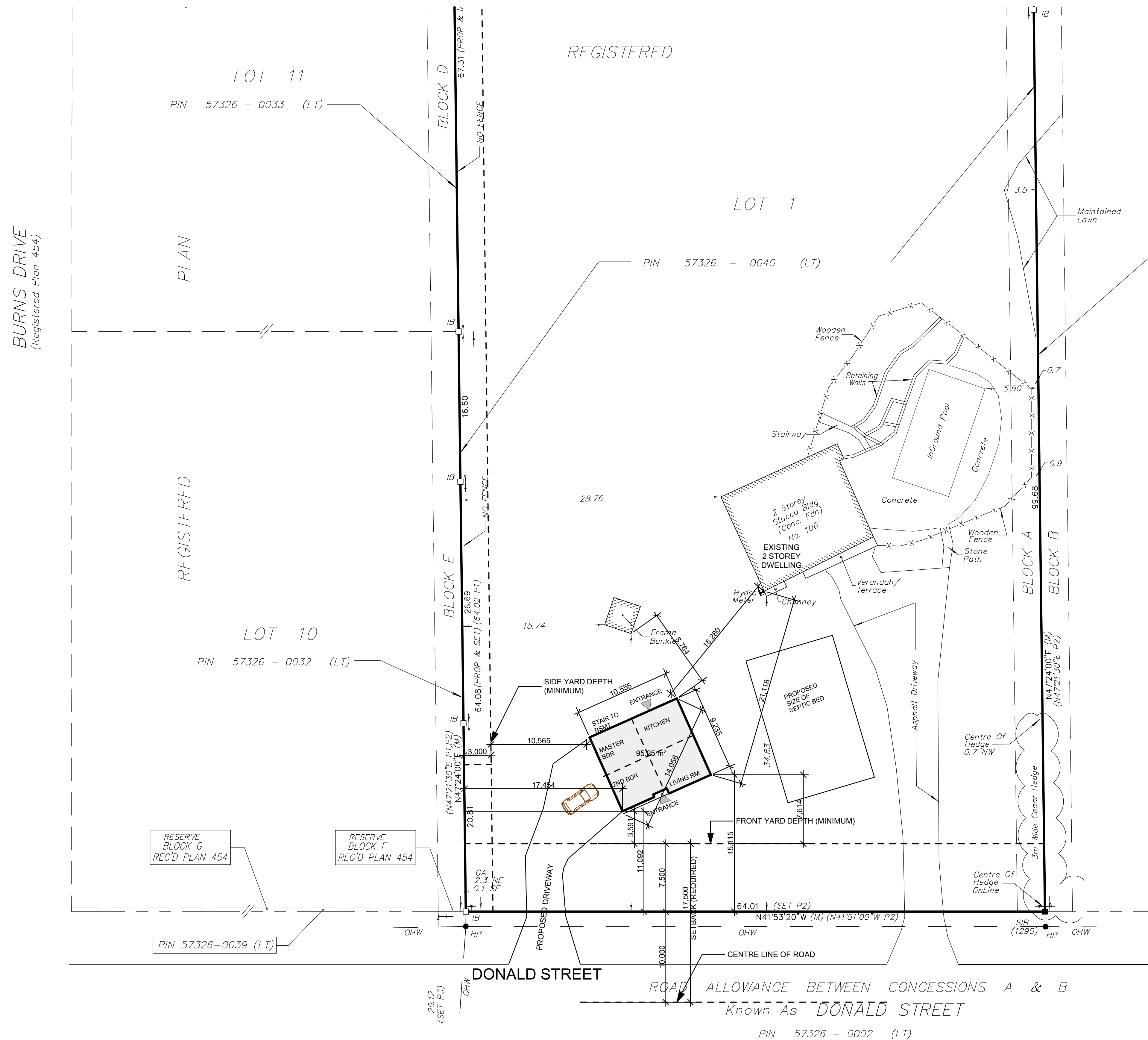
(To be completed by the Municipality)

"COMPLETE" APPLICATION AND FEE OF \$ 1,100 RECEIVED BY THE
MUNICIPALITY: 3,000 deposit

April 8, 2024
Date

Grace Humphrey
Signature of Municipal Employee

Roll Number



CONSULTANTS

DRAFT

SECONDARY DWELLING UNIT

106 Donald St.,
Braeside, Ontario
K0A 1G0

PROJECT NO: Project No.

MODEL FILE:

Untitled.pln

DRAWN BY: MS

SHEET TITLE

PARTIAL SITE PLAN

A-001

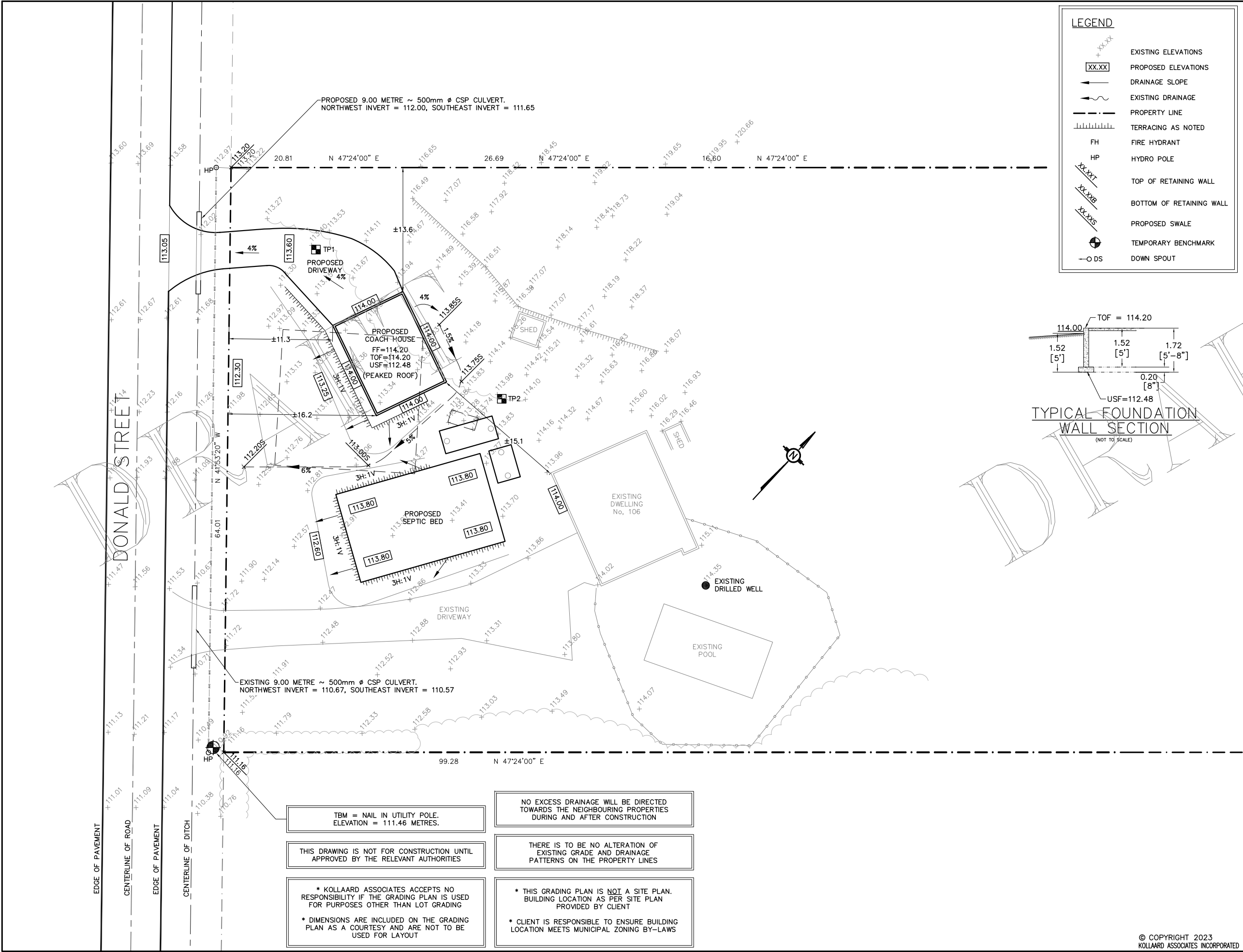
SHEET 1

OF 1

1

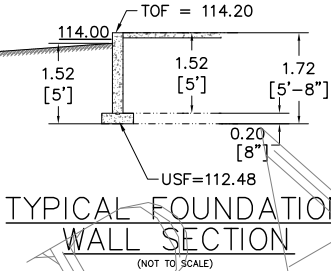
PARTIAL SITE PLAN

SCALE: 1:250



DRAWING NUMBER: 231227-GR

- CONSTRUCTION NOTES:**
1. All dimensions and elevations are in metres. Do not scale drawing.
 2. This drawing is not a legal survey, a utility plan or a site plan and is for grading purposes only.
 3. TBM = Nail in utility pole. Elevation = 111.46 metres.
 4. This drawing cannot be accepted as acknowledging all of the utilities, and it will be the responsibility of the user to contact the respective utility authorities for confirmation.
 5. This drawing is not for construction until approved by the relevant authorities.
 6. Contractor is responsible for location and protection of utilities.
 7. Top of Foundation (TOF) elevation and Underside of Footing (USF) elevation for dwelling are as shown on drawing.
 8. Finished grade around dwelling to be as shown.
 9. Maximum allowable slope on site is 3H:1V. Finished grade to slope away from house at all sides at a minimum of 2%, and a maximum of 7%. Maximum slope away from septic system area is 4H:1V.
 10. All dimensions to be verified on site by contractor prior to construction.
 11. Client is responsible for acquiring all necessary permits.
 12. The proposed grades have been set and verified for site grading control only. The grade raise at the house location should be verified with regard to subsurface conditions by qualified geotechnical personnel after completion of the excavation.
 13. The underside of footing elevation may not have accounted for actual ground water conditions at the exact house location and should be verified by qualified geotechnical personnel upon completion of the excavation.
 14. A geotechnical engineer should be retained to provide geotechnical recommendations with respect to the subgrade conditions prior to footing installation.
 15. Frost protection will be required for the foundation footing where the soil cover over the underside of footing is less than 1.52 metres.
 16. Any changes made to this plan must be verified and approved by Kollaard Associates Inc.



REV.	NAME	DATE	DESCRIPTION

Kollaard Associates Engineers
(613) 860-0923
210 PRESCOTT STREET
PO BOX 189
KEMPTVILLE ONTARIO
K0G 1J0
FAX (613) 258-0475
www.kollaard.ca
info@kollaard.ca

CLIENT: ELM ENTERPRISES

OWNER: XXXXX

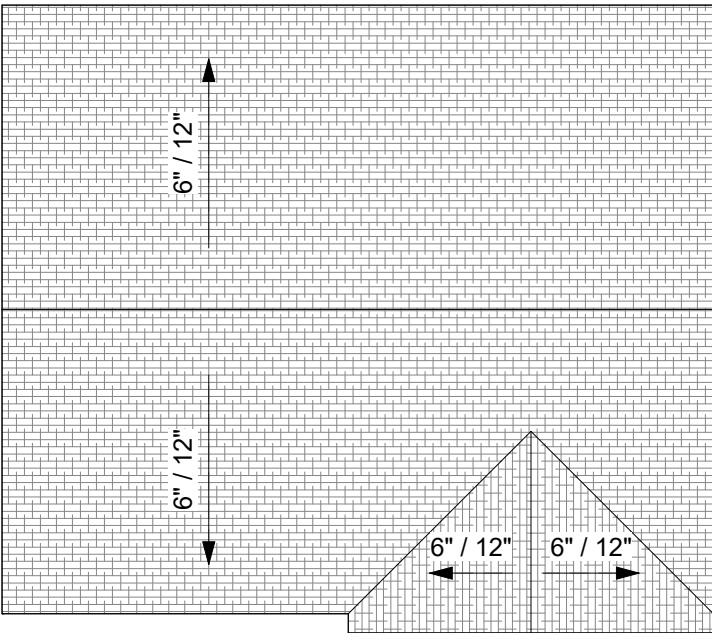
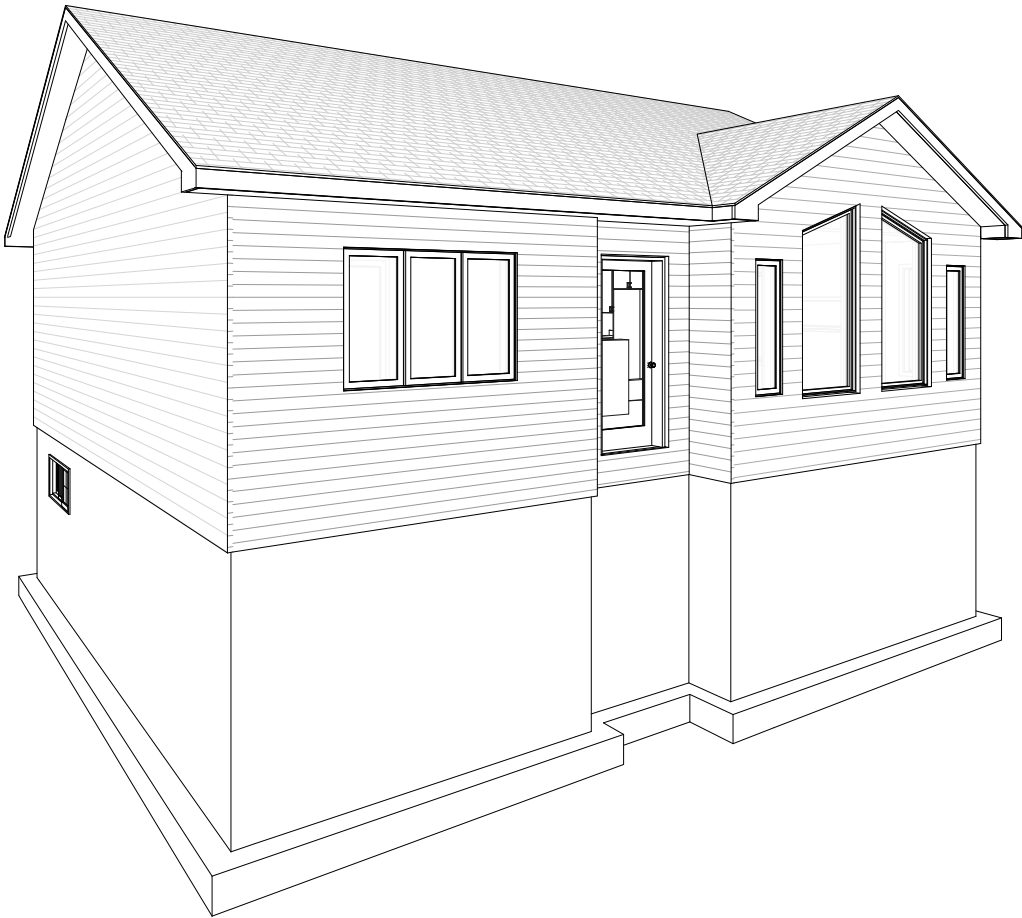
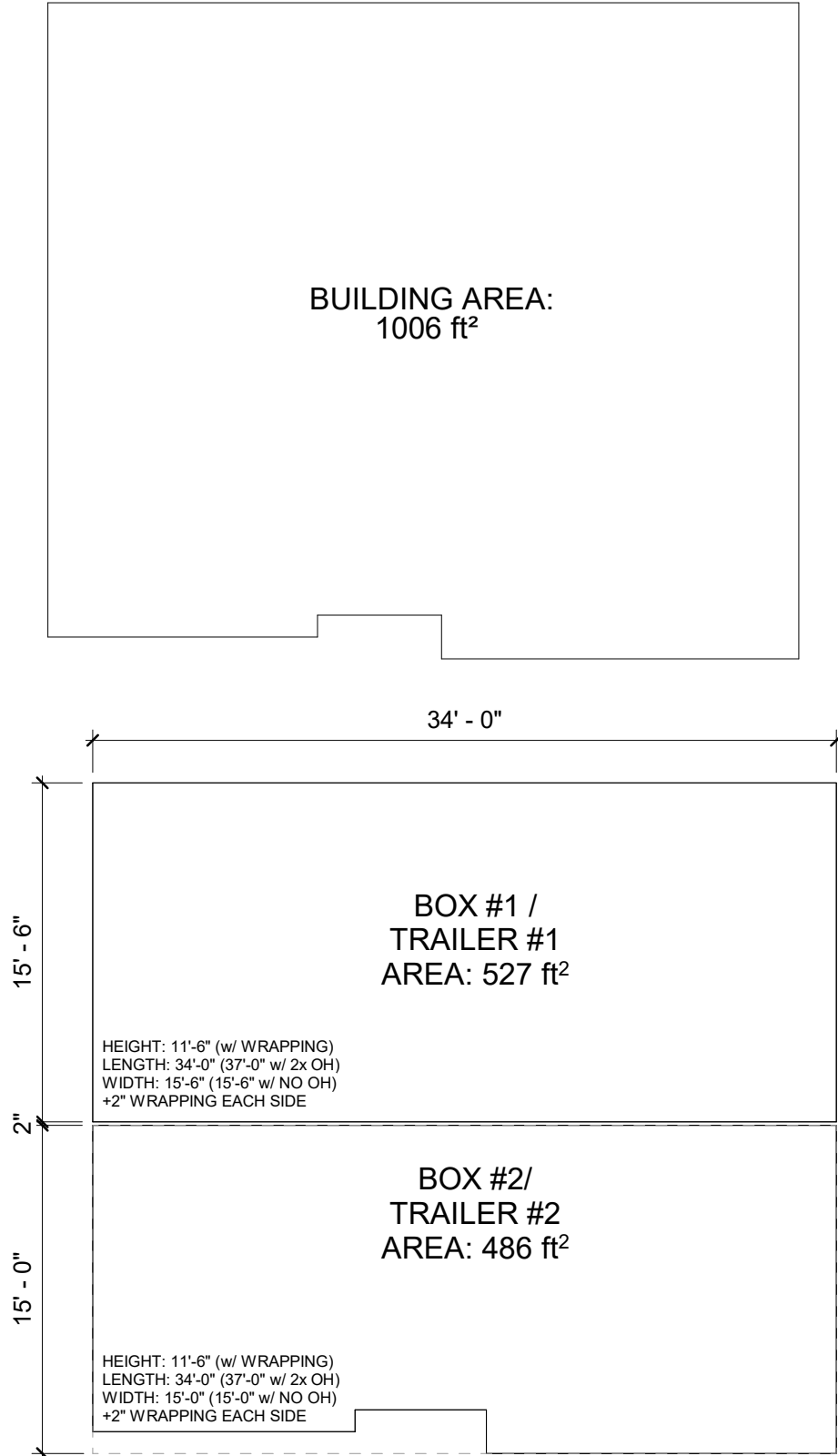
DRAWING: PROPOSED LOT GRADING PLAN

LOCATION: 106 DONALD STREET
R.PLAN 473, LOT 1
LOT 11, CONC. B,
McNAB,
TOWNSHIP OF McNAB/BRAESIDE

DESIGNED BY: NR
DATE: DEC 19, 2023

DRAWN BY: NR
SCALE: 1:400

KOLLAARD FILE NUMBER: 231227



1 ROOF PLAN
1" = 10'-0"

IMPORTANT: IMAGES AND 3D RENDERINGS ARE FOR REFERENCE ONLY. PLEASE REFER TO CABINETRY MANUFACTURER FOR EXACT COLORS AND TEXTURES.

CONSTRUCTION DOCUMENT SHEET
NUMBER AND ORDER LEGEND

DISCIPLINE DESIGNATOR SHEET TYPE SEQUENCE NUMBER		
DESIGNATOR	NAME	DESCRIPTION
G	GENERAL	GENERAL NOTES
S	STRUCTURAL	
A	ARCHITECTURAL	
I	INTERIOR	
Q	EQUIPMENT	
F	FIRE PROTECTION	
P	PLUMBING	
D	PROCESS	
M	MECHANICAL	
E	ELECTRICAL	
R	RESOURCE	EXISTING CONDITIONS/BUILDINGS
X	OTHER DISCIPLINES	
Z	SHOP DRAWINGS	
O	OPERATIONS	
SHEET TYPE		
DESIGNATOR	NAME	
000	GENERAL NOTES, LEGENDS, ABBREVIATIONS	
100	PLANS	
200	ELEVATION	
300	SECTIONS	
400	LARGE SCALE DRAWINGS: PLANS, ELEVATIONS, SECTIONS	
500	DETAILS	
600	SCHEDULES AND DIAGRAMS	
700	DETACHED GARAGE	
800	RESERVED	
900	3D	

PURCHASER DRAWING SIGNOFF:

R. MAGOON

ONTARIO BCIN SIGNOFF:

I REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF GUILDCREST. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES AND CATEGORIES.

DESIGNER'S NAME: JF MELOCHE

INDIVIDUAL BCIN: 35158

FIRM BCIN: 30576

DESIGNER SIGNATURE: [Signature]

SIGNATURE EXPIRES: 2024.12.31

THE SIGNATURE CONFIRMS THAT THE CONTENT OF THESE DRAWINGS ARE FINAL. GUILDCREST WILL NOT BE RESPONSIBLE FOR THE WRONGFUL COMPREHENSION OF THESE DRAWINGS BY THE PURCHASER(S).

CONTRACT NUMBER: 24016

PROJECT TITLE: 1S, SINGLE DETACHED DWELLING

PURCHASER: R. MAGOON

PROJECT ADDRESS: 106 DONALD STREET, BRAESIDE, ON.

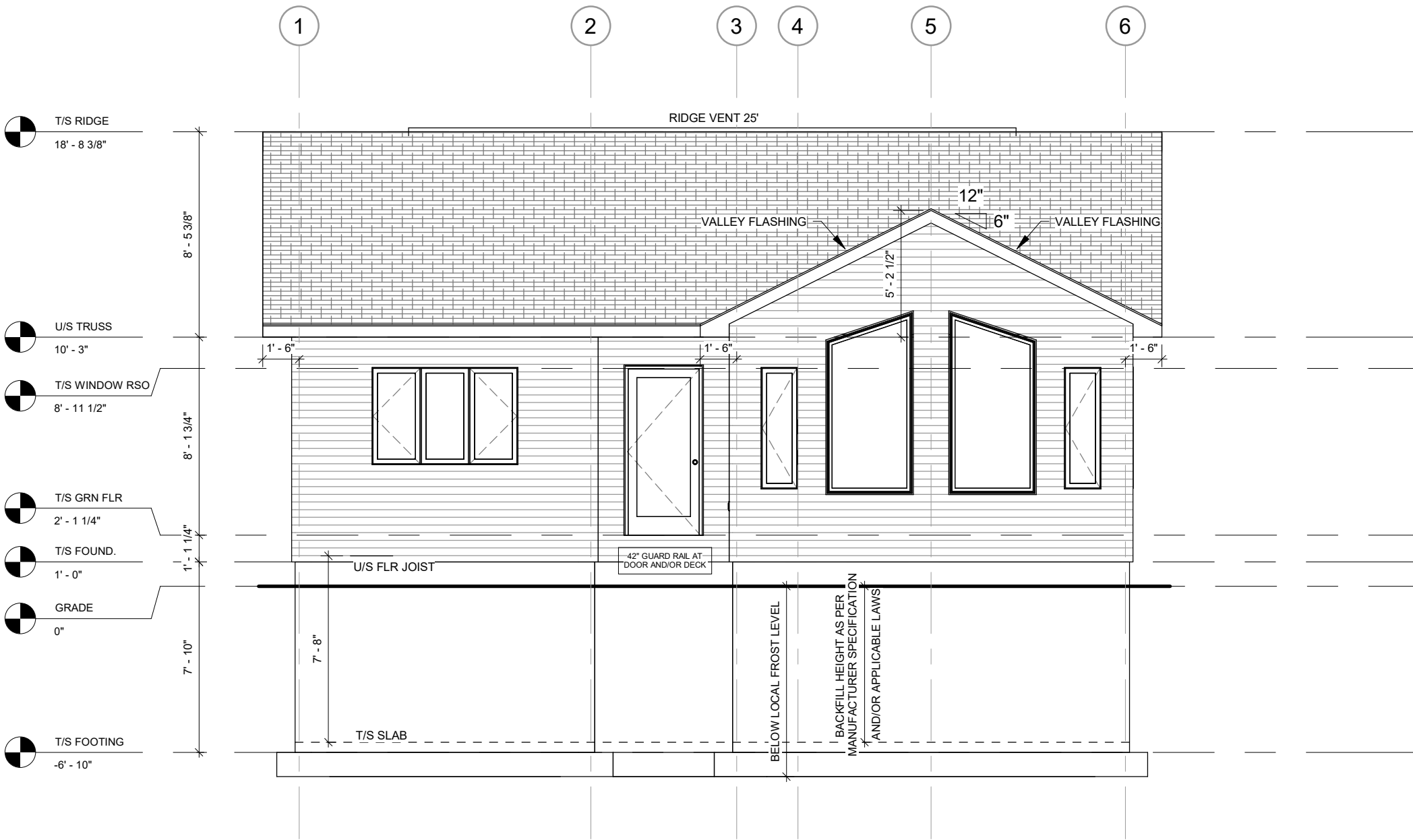
GENERAL NOTES

PAGE: G-001

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PRO-FAB



1 Front Elevation West
3/16" = 1'-0"

PURCHASER DRAWING SIGNOFF:

R. MAGOON

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PROJECT TITLE:

1S, SINGLE DETACHED DWELLING

CONTRACT NUMBER:

24016

PURCHASER:

R. MAGOON

DRAWING:

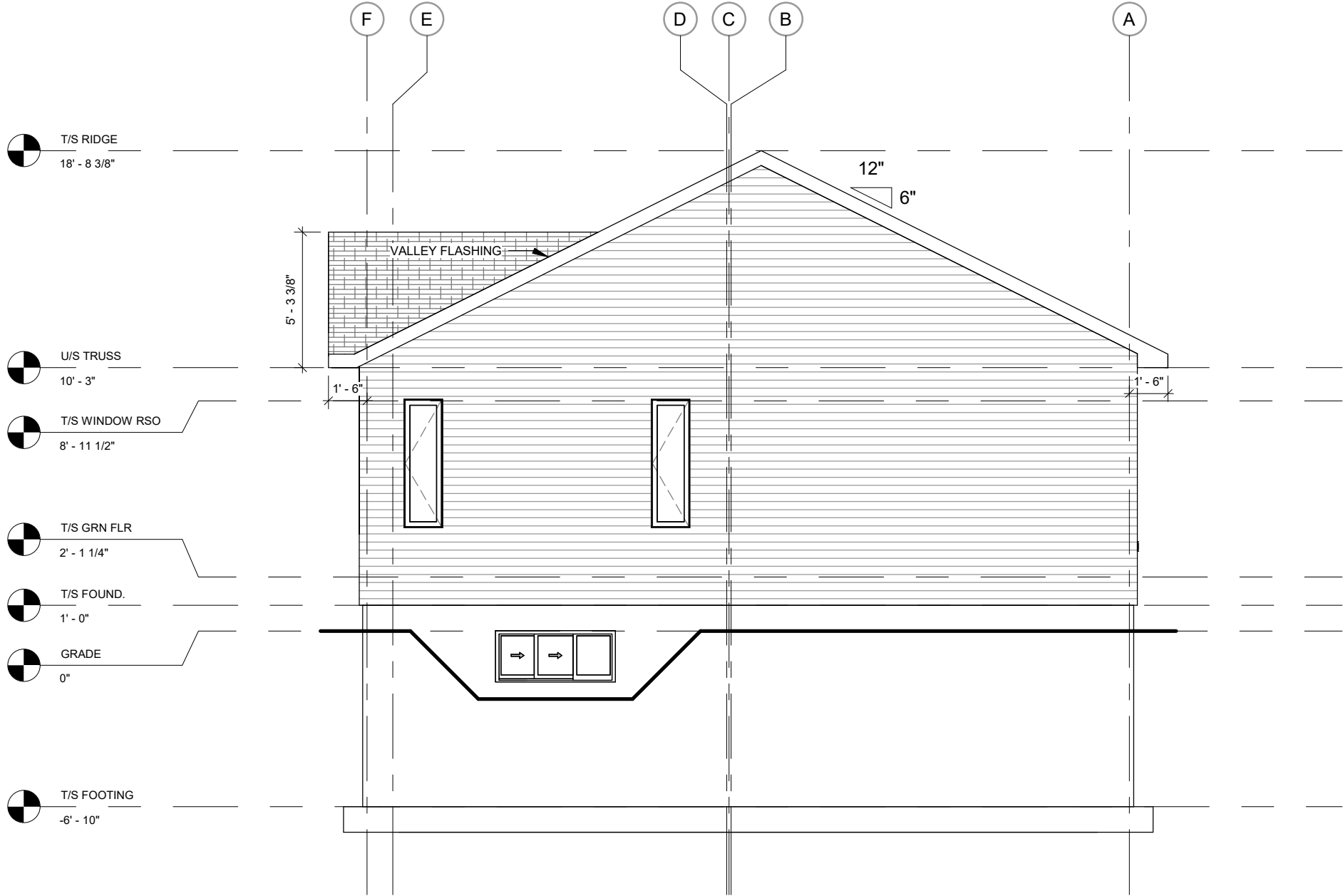
FRONT ELEVATION

PROJECT ADDRESS:

106 DONALD STREET, BRAESIDE, ON.

SCALE:

PAGE: A-201



PURCHASER DRAWING SIGNOFF:

R. MAGOON

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INDIVIDUAL BCIN: 39158

FIRM BCIN: 30576

DESIGNER SIGNATURE:

SIGNATURE EXPIRES: 2024.12.31

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PROJECT TITLE: 1S, SINGLE DETACHED DWELLING

PURCHASER: R. MAGOON

PROJECT ADDRESS: 106 DONALD STREET, BRAESIDE, ON.

CONTRACT NUMBER: 24016

DRAWING: RIGHT ELEVATION

PAGE: A-202

VALID 4

SL

2024.03.11

AFNPROPR, ON

3.1

0.4

0.60

0.60

DATE (Y/M/D)

BY

7.

8.

9.

10.

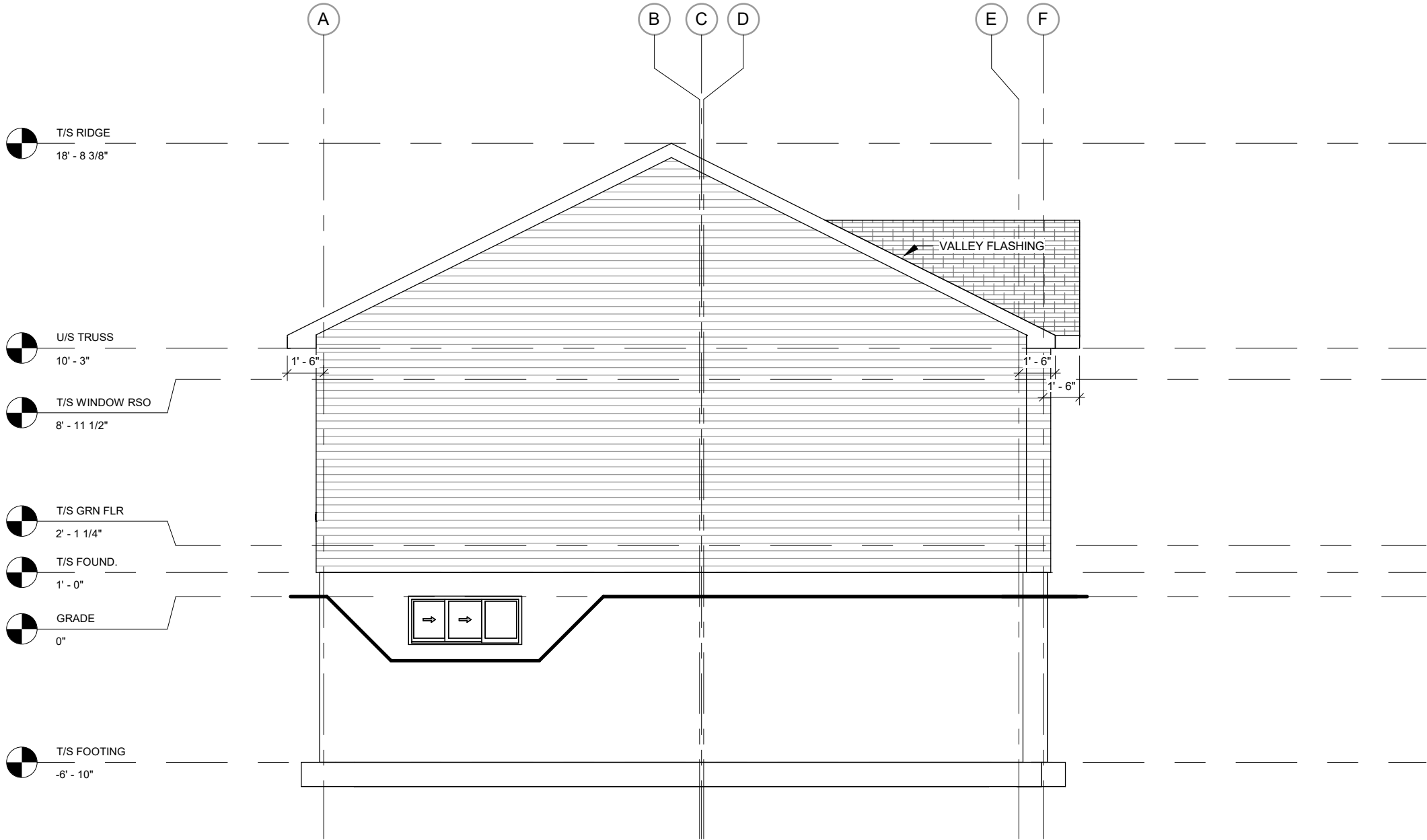
11.

12.

DATE (Y/M/D)

BY

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PURCHASER DRAWING SIGNOFF:

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PROJECT TITLE:

1S, SINGLE DETACHED DWELLING

PURCHASER:

R. MAGOON

PROJECT ADDRESS:

106 DONALD STREET, BRAESIDE, ON.

CONTRACT NUMBER:

24016

DRAWING:

LEFT ELEVATION

PAGE:

A-204

DATE:

2024-03-11 11:29:02 AM

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MINOR VARIANCE PLANNING REPORT

PART A – BASIC INFORMATION

1. FILE NO.: A-4/24
2. APPLICANT: Roger Magoon, Bernadette Miller, Ciara Scott, Matthew Scott (Owners)
Roger Magoon (Agent)
3. MUNICIPALITY: Township of McNab/Braeside
(geographic Township of McNab)
4. LOT: 11 CONCESSION: B (Lot 1, Block A, Plan 473) STREET: 106 Donald Street

SUBJECT LANDS

5. COUNTY OF RENFREW
OFFICIAL PLAN Rural
Land Use Designation(s):
6. TWP OF McNAB/BRAESIDE
ZONING BY-LAW 2010-49 Residential One (R1)
Zone Category(s):

7. DETAILS OF MINOR VARIANCE REQUEST

The minor variance application requests a variance under Section 3.34(d)b. Secondary Dwelling Units provisions of Zoning By-law 2010-49, to allow a secondary dwelling unit (coach house) in the front yard of a lot in the Residential One (R1) Zone.

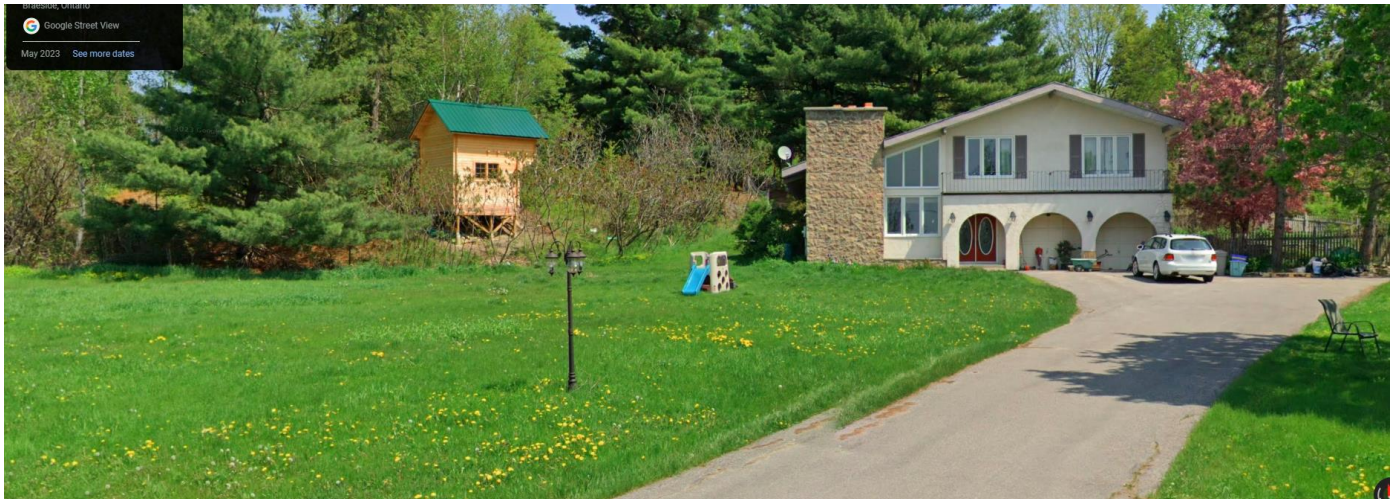
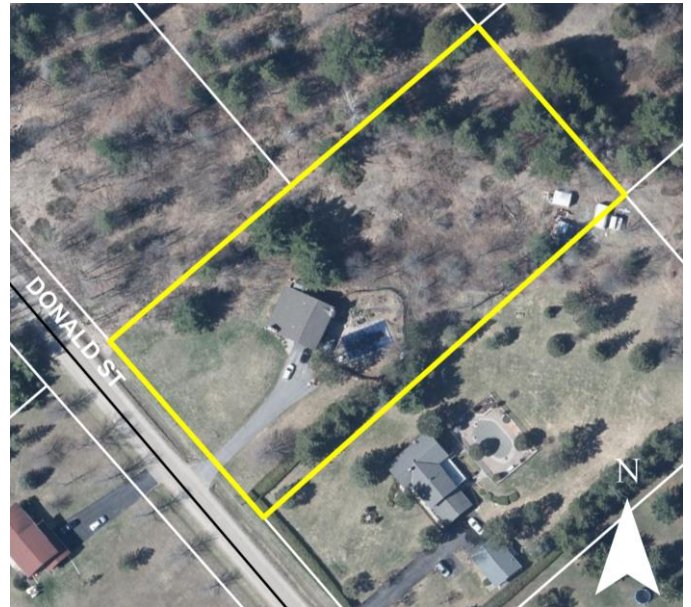
8. SITE PERFORMANCE STANDARDS

<u>Zoning By-law Standard</u>	<u>Permitted</u>	<u>Proposed</u>
Section 3.34(d)b.	The Coach House shall not be located within the minimum front yard setback in a Rural (RU) or Agriculture (A) Zone, or within a front yard in all other zones.	Coach House would be located in the southwest side of the front yard of a lot zoned as Residential One (R1).

9. **SITE CHARACTERISTICS AND SETTING**

The subject property is outlined in yellow. It is 0.84 hectares (2.08 acres) in area and is developed with a two-storey single detached dwelling that is centrally located in the front half of the lot and sits 34.83 metres from the front lot line, abutting Donald Street. There is an outdoor pool located in the east side yard, beside the main dwelling. There are other smaller accessory sheds on the property.

As indicated in both the application form (Section 6.) and the lot grading plan submitted by the applicant, and as shown in the Google Street View photo below, the southwest side yard extending into the rear yard is impacted by a notable grade raise. The owner notes that it is a rock ridge.



In terms of the lot's setting, it is located within an existing rural estate plan of subdivision. All of the lots are similarly sized and developed with single detached dwellings, as shown on the next page.

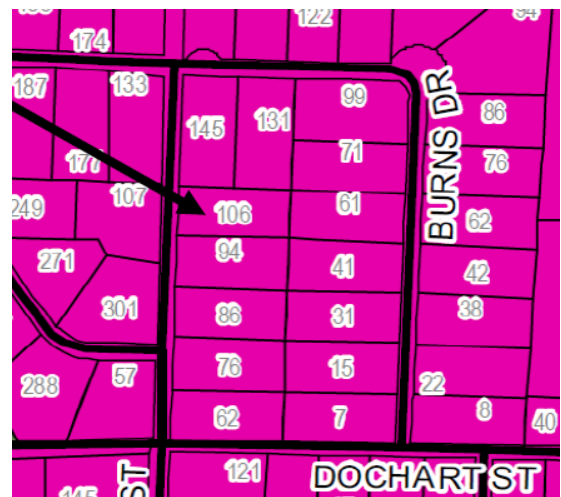


10. **OFFICIAL PLAN**

The subject lands are designated Village Community in the County of Renfrew Official Plan.

Section 4.3(1) of the Village Community designation permits a full range of residential uses and housing types.

Section 2.2(12)(a)(iii) and (f) are servicing policies that apply to the subject lands. Under the Provincial servicing hierarchy where municipal and communal services are not feasible, development may be serviced by individual on-site systems where site conditions are suitable over the long term with no negative impacts.



Section 2.2(24) sets out the policies for Additional Dwelling Units, which may be in the form of basement apartment, in-law flats, granny suites and coach houses. Subsection (2) establishes the criteria for these uses on lands with private septic and private well services:

- a. one secondary dwelling unit may be considered per lot;

- b. the local Zoning By-law may include standards including but not limited to dwelling unit area, minimum lot size parking and servicing.
- c. a secondary dwelling unit shall be permitted on properties greater than 0.8 hectares in area, but is required to share the water and septic/sewer services of the primary dwelling unit.
- d. not applicable to this lot scenario
- e. a secondary dwelling unit may not be severed from the lot with the primary dwelling
- f.-i. not applicable to this lot scenario

Section 13.3(3) requires that any new development proposing access to, or fronting on, a local municipal road must satisfy all requirements of the local municipality. The proposed access should not negatively impact the safety and efficiency of the transportation system.

11. **ZONING BY-LAW**

The subject land is zoned Residential One (R1) in the Township's Zoning By-law. Section 5.1(a) of the Residential (R1) Zone permits low density residential uses, including a single detached, semi-detached and duplex dwelling types. Section 5.2(c) requires a minimum front yard depth of 7.5 metres measured back from the front lot line abutting the street. Section 5.2(3) requires a minimum 3 metre interior side yard width for a single detached dwelling. Section 5.2(h) permits a maximum lot coverage of 35%, including main and accessory buildings.



Section 2.0 Definitions lists various terms used with the Zoning By-law and provides definitions.

Section 2.84 defines Floor Area, Gross as for a dwelling, the total area of the storeys exclusive of basements, cellars, attic, garages, sunrooms, unenclosed verandas or porches; and for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building. Only that floor area having a clear height to the ceiling of at least 2.25 metres may be used to calculate floor area.

Section 2.99 defines Height as 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

Section 2.222 defines Yard, Front as a yard extending across the full width of a lot between the front lot line and the nearest part of any building, structure or excavation

on the lot. Front Yard Depth means the shortest horizontal distance between the front lot line of the lot and nearest part of any building, structure or excavation on the lot.

Section 2.0 General Provision contains various, general land use planning matters that must be applied to a development proposal, as required.

Section 3.3.6 states that accessory buildings and structures shall not exceed 5.0 metres in height in any Residential Zone.

Section 3.23(c) requires setback from a local road to be 10 metres from the road centre line, plus the minimum front yard depth required by the Zone where the use is located. Proposed access to the road will be subject to prior approval by the Township of McNab/Braeside.

Section 3.34 sets out the zoning provisions for Secondary Dwelling Units. It states that a secondary dwelling unit shall be permitted in a single detached dwelling, semi-detached dwelling unit or townhouse dwelling unit, unless specifically prohibited elsewhere in the By-law, and are subject to the following criteria:

- (a) shall only be permitted where adequate servicing is or can be made available
- (b) a minimum 0.8 hectare lot area shall be required for a secondary dwelling unit on lots with private (well and/or septic) services. Properties with 2 Ha or less, the secondary dwelling unit is required to share the same water and/or septic services with the primary dwelling.
- (c) the gross floor area of the secondary dwelling unit must be less than the gross floor area of the primary dwelling unit.
- (d) a secondary dwelling unit that is a Coach house, or is located in an accessory building to the primary dwelling unit shall be subject to the following:
 - a. the minimum side yard width and rear yard depth applicable to the primary dwelling unit shall also apply to the coach house
 - b. the coach house shall not be located in the minimum front yard setback in a Rural (RU) or Agriculture (A) zone, or within a front yard in all other zones.
 - c. not applicable to this lot scenario
 - d. the maximum height shall be the permitted height of an accessory building.
- (e) not applicable to coach houses
- (f) a minimum of one parking space is required for a secondary dwelling unit
- (g) a maximum of one secondary dwelling unit shall be permitted per primary dwelling
- (h)-(l) not applicable to this lot scenario

12. **STUDIES**

None submitted and none required.

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, including Ontario Power Generation.

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

AGENCY COMMENTS

None to date.

PUBLIC COMMENTS

Lee Kedrosky
145 Burns Drive

April 23, 2024

- Asks if the water table for surrounding properties will be affected in any way?
- Applicant plans and building timelines set – appears to be a “done deal” before the May 2, 2024, hearing. What is the point of the hearing?
- Notification period was only two weeks; short.
- How will this pre-fab structure affect tax rates or property values?

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.

Official Plan and Zoning Requirements

The Official Plan policies and provision largely mirror one another. The proposed use meets the Official Plan policies. However, there are additional zoning provisions of Section 3.34 Secondary Dwelling Units against which the proposed use must be evaluated, as follows:

(a) shall only be permitted where adequate servicing is or can be made available

The subject property has an existing well and septic system that services the existing (main) dwelling and is proposed to service the secondary dwelling unit as well. The septic system may require upgrades to accommodate the additional septic effluent associated with the additional dwelling.

The secondary dwelling policy and zoning provisions only require an engineering report to confirm septic effluent and quality and quantity of potable water for lots less than 0.8 hectares. This lot area exceeds this requirement. This provision is met.

- (b) *a minimum 0.8 hectare lot area shall be required for a secondary dwelling unit on lots with private (well and/or septic) services. Properties with 2 Ha or less, the secondary dwelling unit is required to share the same water and/or septic services with the primary dwelling.*

The secondary dwelling unit is permitted on private services because the subject property is 0.84 hectares in area, but the well and septic services must be shared because it is less than 2 hectares in area. This provision is satisfied.

- (c) *the gross floor area of the secondary dwelling unit must be less than the gross floor area of the primary dwelling unit.*

The main dwelling has a 165 square metre footprint and is two-storeys. The proposed secondary dwelling unit has a 95.25 square metre footprint and is one-storey. Both dwellings include basements, which are not considered as part of the gross floor area, calculation as defined in Section 2.84 of the Township's Zoning By-law. This provision is satisfied.

- (d) *a secondary dwelling unit that is a Coach house, or is located in an accessory building to the primary dwelling unit shall be subject to the following:*

- a. *the minimum side yard width and rear yard depth applicable to the primary dwelling unit shall also apply to the coach house*

The secondary dwelling exceeds the minimum 3.0 side yard setback by 10.565 metres and exceeds the minimum 7.5 metre rear yard setback by more than 90 metres. This provision is satisfied.

- b. *the coach house shall not be located in the minimum front yard setback in a Rural (RU) or Agriculture (A) zone, or within a front yard in all other zones.*

The secondary dwelling unit exceeds the minimum 7.5 metre front yard setback by 3.59 metres however, it is located in the front yard in the Residential One (R1) Zone. Section 2.222 Yard, Front is defined as:

" means a yard extending across the full width of a lot between the front lot line and the nearest part of any building, structure or excavation on the lot; FRONT YARD DEPTH means the shortest horizontal distance between the front lot line of the lot and the nearest part of any building, structure or excavation on the lot."

This provision is not met. The variance requests permission for the dwelling in the front yard.

- c. *not applicable to this lot scenario*

d. the maximum height shall be the permitted height of an accessory building.

A maximum 4.3 metre height is proposed for the secondary dwelling unit, which is less than the minimum 5 metre accessory building height required by Section 3.3.6 of the Zoning By-law. This provision is met.

(e) not applicable

(f) a minimum of one parking space is required for a secondary dwelling unit

The Partial Site Plan A-001 shows a separate driveway and parking area to accommodate at least one vehicle for the secondary dwelling unit. This provision is met.

(g) a maximum of one secondary dwelling unit shall be permitted per primary dwelling

Only one secondary dwelling unit is proposed. This provision is met.

(h)-(l) not applicable

Setting and Constraints

The applicant has provided a detailed explanation in the application form as to why the secondary dwelling is proposed to be located in the front yard. The existing dwelling is centrally located on the lot. The existing septic system is located in the middle of the front yard, in front of the existing dwelling. The south east side yard is fully developed with an in-ground pool and related decking/fencing. The north west side yard consists of an elevated rock ridge that creates significant challenges for access, and a potential building site that would result in the secondary dwelling being higher than the main dwelling. Despite these constraints the southwest corner of the lot is large enough to accommodate the proposed dwelling.

The proposed secondary dwelling setbacks from the side lot line and the front lot line, would exceed minimum requirements of the Residential One (R1) Zone. Ample spacing would be provided between the two dwellings. The proposed dwelling is to be one-storey only with a smaller footprint than the main dwelling. It will be tucked close to the rock ridge. A second driveway entrance is proposed to provide access to the dwelling – this is not part of the requested variance. Any driveways or new access are required to get separate approval from the Township of McNab/Braeside.

Response to Neighbour's Concerns

In response to Mrs. Kedrosky's concerns:

- The lot size of the subject lands is 0.84 hectares and under Official Plan policy 2.2(24)(2)d. and Zoning By-law Section 3.34(b) the secondary dwelling does not require an engineering servicing report because the lot exceeds 0.8 hectares in area.

- Development requiring a minor variance is not permitted and building permits are not issued until the Committee of Adjustment issues a decision, and no appeals are received within 20 days of the date of the decision. In issuing its decision, the Committee considers planning comments, recommendations and any comments received.
- The timelines to process minor variances are set out in the Planning Act. A hearing must be held within 30 days of receipt of the application. Notification must be provided 10 days prior to the hearing. Notice was given on April 16, 2024, and meets notification requirements.
- Tax assessments and tax rates are not a land use planning issue.

Intent of the Official Plan and Zoning By-law

The policies of the Official Plan and the Township's Zoning By-law for secondary dwelling units for the most part, mirror each other in their requirements. The zoning establishes more specific requirements relating to setbacks, building height and parking requirements, which have been reviewed. The proposed use meets all the requirements of the Official Plan, and all of the Zoning provisions except the location in the front yard which stretches from one side lot line to the other. This proposed dwelling provides an alternative housing form and an additional residential unit within the community and it can be adequately serviced. Based on these considerations, the proposed use meets the intent of the Official Plan and Zoning By-law.

Is the variance minor

Given the size of the lot, the natural and built constraints, the secondary dwelling is proposed in the only practical location on the property and would be well-placed. Although technically it would be in the "front yard", it would be off-set to one side. It would exceed other minimum set back requirements. The new and main dwellings would not crowd one another. The size and height of the new dwelling would not be overpowering or out of place on this large residential lot. Based on this, the variance can be considered minor.

Is the variance desirable

The proposed dwelling will provide an additional housing unit in the Township. The lot is large enough to accommodate the use. The additional dwelling unit would be screened from the abutting dwellings on either side, and the setback and angle of the dwelling would reduce the impacts for both the new dwelling and 107 Donald Street located across the street. For these reasons, the variance can be considered desirable.

Overall, based on the above review, it is staff's opinion that the proposed variance to permit a secondary dwelling unit in the front yard at 106 Donald Street, in the Residential One (R1) Zone meets 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 16 Donald Street:

That a variance be granted to Section 3.34(d)b. to permit a secondary dwelling unit (coach house) in the front yard of 106 Donald Street, as shown on Partial Site Plan A-001, submitted with the application.

Date:	April 25, 2024
Prepared by:	Anne McVean, County Planner
Reviewed by:	Bruce Howarth, MCIP, RPP. Manager of Planning Services

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