

Township of McNab/Braeside

Committee of Adjustment

A meeting of the Committee of Adjustment was held on January 30, 2025 at 4:00 p.m. at the Township's Municipal Office.

Members Present: Jacqueline Asselin Chairperson
Lori Hoddinott Member

Regrets: Robert Tremblay Member

Staff Present: Anne McVean, County Planner, County of Renfrew
Nicole Moore, Junior Planner (Secretary-Treasurer)

Public for File
No. A-11/24: Jim McGregor (Agent)

Public for File David Lindsay (Owner/Applicant)
No. A-12/24: Mark Morris (Abutting Property Owner)
Jan Zwaan (Abutting Property Owner)
Marie Howlett (Abutting Property Owner)

Chairperson Asselin opened the hearing at 4:00 p.m., with the land acknowledgement and introduction of the Committee members and staff present. The purpose of the hearing for the minor variances A-11/24 and A-12/24 was confirmed.

Moved by Member Lori Hoddinott and seconded by Chair Jacqueline Asselin that the minutes of the December 10, 2024 hearing be approved as circulated. **Carried.**

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

Chairperson Asselin advised that all persons present would be given the opportunity to ask questions or provide comment, and at the end of the hearing the Committee will render a decision, to be read aloud before signing by the Committee.

HEARING (4:00pm)

A-11/24 Cameron and Amanda McGregor (Owners)
John J. McGregor (Agent)

The agent was present. No members of the public for the hearing of A-11/24 were in attendance.

Ms. Moore the County Junior Planner, read the Notice of Hearing, explaining the nature and purpose of the application being a request to reduce the minimum required setback for a farm use from a lot line, from 30 metres to 24.5 metres for the existing barn, and 12.6 metres for the existing tool shed.

Ms. Moore confirmed the date and circulation of the notice of hearing in accordance with the Planning Act. She further confirmed the notice was posted on site by the agent. Comments were received from the Township on January 21st, 2025, which expressed no concerns with the requested variance. It was noted that Township Council was unable to comment on the application due to timing issues.

The Planner summarized the Planning Report, noting that the present application was submitted in relation to consent application B79/24, which will enlarge the abutting lands known as 1274 Brae Loch Road. The property was confirmed to be primarily designated Agriculture in the Official Plan and primarily zoned Rural (RU) in the Township's Zoning By-law. Applicable policies and provisions were highlighted before moving on to the general planning comments.

Ms. Moore started by clarifying that the 24 metre separation distance between the existing barn and the west side lot line were not being considered in the present application, as it is an existing situation not impacted by lot addition application B79/24. She then briefly explained the four tests of a minor variance, and confirmed that the reduced setbacks meet all four tests. The subject buildings are not proposed to be moved, and are located further away from the adjacent residential uses than what is required in the Zoning By-law. As such, no new impacts are anticipated, which is in keeping with the intent of the Official Plan and Zoning By-law. Ms. Moore further confirmed that the variance is desirable, as it will enable the farm uses to continue existing in their present location and will fulfill a condition of consent application B79/24. Lastly, given that no physical change is proposed and existing physical distances and vegetation will be maintained, the reduction of the farm use setback from a lot line is considered minor. The Planner concluded by recommending the variance be approved for a reduced setback from the south side lot line, from 30 metres to 24.5 for the existing barn and to 12.6 metres for the existing tool shed.

The Chair asked the Committee members if they had any questions or comments of the Planner. They did not. The Chair asked the agent if they wished to address the Committee, to which the agent declined. The Chair asked the Committee members if they had any questions of the owners/agent. There were no questions.

Upon the request of Chair Asselin, Ms. Moore read the draft decision to approve the requested variance. The Chair asked if the Committee was satisfied with the decision and if so, requested a show of hands. All members present endorsed the decision.

At the request of the Chair, Ms. Moore read the appeal rights as set out in the Planning Act. She explained the notice of decision to be given and the 20 day appeal period starting on the date the decision is made.

HEARING (4:15pm)

A-12/24 David and Jennifer Lindsay (Owner/Agent)

One of the owners, David Lindsay, was present. Other members of the public in attendance included: Mark Morris, an abutting property owner; Jan Zwaan, an abutting property owner; and Marie Howlett, an abutting property owner.

Ms. Moore, the County Junior Planner, read the Notice of Hearing and explained the nature and purpose of the application, being a request to permit a secondary dwelling unit on a waterfront lot at 101 Lindsay Lane.

Ms. Moore confirmed the date and circulation of the notice of hearing in accordance with the Planning Act. She further confirmed the notice was posted on site by the agent. Comments were received from the Township on January 21st, 2025. The Public Works Department and the Fire Department expressed no concerns with the requested variance. It was noted the Building Department made comments in regards to a raised septic bed, and was concerned that the proposed accessory structure height would not comply with the Zoning By-law. Acknowledgement was made that Township Council was unable to comment on the application due to timing issues.

The Planner provided a summary of the Planning Report, which included a description of the subject property, applicable Official Plan policies, and applicable Zoning By-law provisions. She highlighted that a scoped Hydrogeological Evaluation was submitted with the application, pursuant to the requirements of the Official Plan and Zoning By-law. The evaluation was supportive of the proposed development on separate private well and septic services, and provided 13 recommendations to mitigate potential impacts of the development. Ms. Moore noted these recommendations were included as recommended conditions of the minor variance.

The Planner began her overview of the general planning comments by addressing the concerns of the Township's Building Department. She explained that septic system requirements would be addressed at the building permit stage, in accordance with the recommendations of the Hydrogeological Evaluation. In regard to the proposed building height, she noted that the subject property is a large rural lot with residential uses and the potential for non-residential uses. Section 3.3.6 of the Zoning By-law only provides maximum heights for accessory buildings within primarily residential, commercial, and industrial zones. Therefore, the proposed 9-metre height of the secondary dwelling unit is considered appropriate.

Ms. Moore confirmed that the variance to permit a secondary dwelling unit on a waterfront lot met the four tests of a minor variance. The application, in conjunction with the supportive Hydrogeological Evaluation, met all the applicable secondary dwelling unit criteria of the Official Plan and Zoning By-law. Therefore, the intent of the Official Plan and Zoning By-law were met. It was demonstrated through the Hydrogeological Evaluation that there is sufficient water quantity and quality available, and that no significant negative impacts are anticipated to White Lake or adjacent properties. Further,

the proposed secondary dwelling unit will add additional housing stock to the Township while avoiding the further subdivision of land, making it desirable for appropriate development. Lastly, given the findings of the Hydrogeological Evaluation, in addition to the notable size and abundant vegetation on the subject property, permitting a secondary dwelling unit on this lot is considered to be minor. Overall, it was recommended that the variance be approved, subject to the conditions derived from the Hydrogeological Evaluation.

The Chair asked the Committee members if they had any questions or comments of the Planner. Member Hoddinott inquired if the existing trailer on the property counted as a secondary dwelling unit. Mrs. McVean, County Planner, explained that the trailer is an existing situation that wasn't considered in the application. It was suggested that the owner would be able to provide further details about the trailer. Member Hoddinott also inquired if there were concerns with the proposed secondary dwelling unit being severed. In response, Mrs. McVean referred to the Official Plan policies and noted they prohibit the severing of a secondary dwelling unit. She further added that severances for residential lots that front onto a private road and do not abut a waterbody are not permitted. Therefore, it would not be possible to sever the proposed secondary dwelling unit.

The Chair then asked if owners had any comments. David Lindsay, part owner of the subject property, noted that the trailer was present on the property when he inherited it from his father many years ago. Mr. Lindsay confirmed the trailer is not a permanent residence, and that the structure present in the aerial photography is a lean-to that prevents the trailer roof from leaking. He then informed the Committee of the changes he wished to make to the secondary dwelling unit proposal, based on conversations with the Township's Chief Building Official and Ms. Moore. The change involved having a garage space be included in the same building as the secondary dwelling unit. Member Hoddinott inquired if this would result in a greater gross floor area that would not uphold the intent of Section 3.34(c) of the Zoning By-law. Ms. Moore responded that as long as one dwelling unit was larger than the other, the intent of the provision would be upheld. Mrs. McVean further clarified that the garage portion of the accessory building would not count towards the gross floor area of the secondary dwelling unit. Additionally, Mrs. McVean noted the dwelling unit area would not be able to expand into the garage at a later date, as the building permit will specify how much gross floor area is to be used for the dwelling area and garage.

The Chair asked if any members of the public present had any comments. Marie Howlett of 141 Lindsay Lane commented that the trailer has been on the property since she and her husband moved to the area about 23 years ago. She confirmed that the structure over the trailer was constructed to prevent the trailer from leaking. Lastly, Ms. Howlett expressed her support for the application.

The Chair asked if any other members of the public would like to speak. There were none. The Chair asked if the Committee members had any further questions or comments. There were none.

Upon the request of Chair Asselin, Ms. Moore read the draft decision to approve the requested variance. Chair Asselin asked the Planner if the terminology in Condition No. 12 should be changed

from “should” to “shall”. Member Hoddinott concurred that the change should be made. The member and the Chair directed the Planner to modify the terminology from “should” to “shall” in Condition No. 4, 10, 11, and 12. The Chair asked if the Committee was satisfied with the amended decision and if so, requested a show of hands. All members endorsed the decision.

At the request of the Chair, Ms. Moore read the appeal rights as set out in the Planning Act. She explained the notice of decision to be given and the 20 day appeal period starting the date the decision is made.

Chair Asselin declared the hearing over at 4:57 p.m.



Chair Asselin

Nicole Moore

Secretary