

# Township of Edwardsburgh Cardinal Report to the Committee of Adjustment

Public Meeting Date: March 4, 2025

## Application for Minor Variance A-01-25

**Property Location:** 2 Tuttle Point

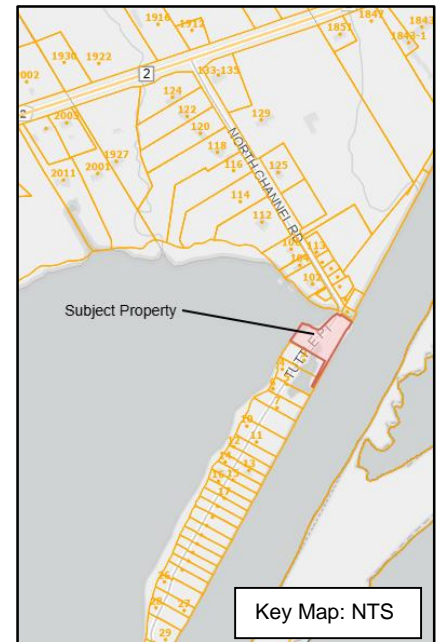
**Property Description:** Concession 1, Part Lot 19

**Roll Number:** 070170101511702

**Owner:** Jeff and Theresa Byrd

**Agent:** Lockwood Brothers Construction

**Purpose and effect:** The purpose and effect of minor variance application A-01-25 for the property municipally known as 2 Tuttle Point, is to obtain relief from the provisions of Zoning By-Law Number 2022-37. The applicant is requesting variances to recognize the location of a proposed 2 storey, single family dwelling with an attached garage, rear porch and concrete patio and sewage disposal system.



### Requested Variances:

1. Section 12.1.2, A reduction of the minimum interior side yard setback requirement in the Rural (RU) zone from 6 metres to 4.3 metres from the southwest lot line to the proposed dwelling.
2. Section 3.27.2, A reduction in the minimum water setback from 30 metres for each of the following:
  - a. Sewage Disposal System – 15.9 metres;
  - b. Principle Dwelling and Attached Garage – 12.8 metres; and
  - c. Porch and Concrete Patio – 9.6 metres.

**Site Characteristics:** The subject property is a 0.39 hectare parcel of undeveloped land with road frontage on a private lane (Tuttle Point) and water frontage on the St. Lawrence River to the north and North Channel to the south.

The subject property is one of 39 properties that make up Tuttle Point. Access to the properties is by way of a private lane which is established through shared easements over each property. The private lane has road access from the southern end of North Chanel Road.

The site is in the rural area of the Township and is surrounded by single-detached dwellings to the north and south, St. Lawrence River to the north and North Channel to the south.

**Current Policy and By-Law:** The subject property is designated Rural in the County of Leeds and Grenville Official Plan and Rural Policy area in the Township of Edwardsburgh Cardinal Official Plan.

The property is zoned Rual (RU) in the Township of Edwardsburgh Cardinal Zoning By-Law Number 2022-37.

**Provincial Planning Statement:** Subsection 3(5) of the Planning Act requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

**Applying the four tests of a minor variance:** Section 7.7.3 of the Township's Official Plan, provides policies pertaining to the Committee of Adjustment stating that where existing or proposed uses that conform to the use provisions of the Zoning By-law implementing this Plan are non-complying with respect to performance standards, the Committee of Adjustment may authorize minor variances from the provisions of the implementing Zoning By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable for the appropriate development of the lands. The Township may, by by-law, establish additional criteria to be considered by the Committee of Adjustment in the review of minor variance applications.

The review of an application for minor variance is not a simple mathematical calculation, but rather a detailed assessment of whether the variance or variances requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the Planning Act. The following provides this review:

1. Does the application maintain the general intent and purpose of the Official Plan?

The subject property is designated as Rural Policy Area in the Township of Edwardsburgh Official Plan and subject to the policies of Section 3.4. The goal of this policy is to provide for the long-term orderly development of the rural lands in a manner which is consistent with ensuring the protection of natural and environmental resources, while providing opportunities for a modest amount of compatible development and a diversified rural economy.

The proposed single detached dwelling on private services is a permitted use in the Rural Policy Area, however, consideration shall be given to the criteria set out in the Development Criteria section and Development Adjacent to Water Bodies of the Plan.

The Development Criteria policies and Land Use Compatibility policies of this plan will be addressed under heading number 4, Is the application desirable for the appropriate development or use of the land, building or structure below.

The subject property has water frontage on the St. Lawrence River and North Channel and are subject to Section 6.18, Development Adjacent to Water Bodies of the Official Plan. An adequate water setback serves as an important function in relation to the protection of the natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of building and structures, including septic systems, or the removal of the soil mantle and natural vegetation. The Township has a direct interest in managing surface water impacts related to water-oriented development

Development or site alteration may be permitted less than 30 metres from a water body in situations where existing lots or existing developments preclude the reasonable possibility of achieving the setback. In such cases, proponents will be required to achieve the greatest possible/feasible setback for all development and site alteration, including septic systems, given existing site constraints such as lot size, lot shape and terrain. Any proposal for development or site alteration proposed

to occur less than 30 metres from a water body shall be subject to the policies Environmental Impact Assessments sections of the Official Plan.

The applicant consulted the Township and the South Nation Conservation Authority (SNCA) regarding water setbacks and highwater marks. SNCA and Township staff confirmed that an Environmental Impact Assessment would not be required as a result of the water frontage along the North Channel on the subject property and abutting lands have been altered and concrete walls or retaining walls constructed. The shoreline on the north side of the lane is in a natural state and there is no proposed development in those lands.

As a condition of approval, that prior to the issuance of a building permit, the owner shall enter into a development agreement with the Township to ensure a 5 metre buffer to the St. Lawrence River waterfront, be maintained in its natural state and suggest that additional native vegetation or trees be planted to protect and enhance its natural state.

SNCA staff clarified that the water setback shall be taken from the waters edge. The applicant provided a site plan drawing illustrating the waters edge, 1:100-year floodplain line (green line), the 5-metre wave up rush (red line), and the dwelling and sewage disposal system setbacks from the water's edge. SNCA staff have no objections to the reduced setback from the waters edge, as per the approved site plan attached to the notice of decision.

The proposal is site specific, and development will be located outside of the 1:100-year floodplain therefore the requested variances meet the general intent and purpose of the Official Plan.

2. Does the application maintain the general intent and purpose of the zoning bylaw?

The subject property is zoned Rural (RU) in the Township of Edwardsburgh Cardinal Zoning By-Law Number 2022-37. The proposed detached single-family dwelling on private services is a permitted use in the RU zone. Any new development which includes a sewage disposal system, shall comply with the provisions of the zoning by-law.

The proposed development requires relief from the minimum interior side yard requirement and the water setback to recognize the location of the single-family dwelling and sewage disposal system. The development complies with all other provisions of the RU zone.

The intent of the minimum interior side yard setback requirement is to ensure adequate spatial separation between buildings on adjacent lots and no negative impacts on drainage. The proposed reduced setback provides sufficient space to accommodate drainage and is not anticipated to have negative impacts on the abutting landowner and their continued enjoyment of their property to the south.

The intent of the minimum water setback requirement is to prevent the disturbance of the shoreline area as a result of the placement of building and structures, including septic systems, or the removal of the soil mantle and natural vegetation. The Township has a direct interest in managing surface water impacts related to water-oriented development. The applicant has demonstrated that the proposed development will be located outside of the 1:100-year floodplain and that no new development is proposed within the floodplain. The existing gazebo, concrete pad and shed

The proposal is site specific, and the requested variances meet the general intent of the Zoning By-Law.

3. Is the application minor in nature?

The subject property is an existing undersized non-complying lot and is subject to Section 3.2 of the Zoning By-Law, as amended.

Where, on the date of passing of the Zoning By-Law, an existing lot has less than the minimum lot frontage, water frontage and/or lot area required by this By-law, or is increased in lot frontage, water frontage and/or lot area but is still undersized, such non-complying lot may be used and a building or structure may be erected, altered or used for a purpose permitted in the zone in which it is located on the date of the passing of this By-law without the requirement to obtain relief from the applicable lot frontage, water frontage and/or lot area provisions of this By-law.

This provision shall not be construed as granting relief from any other provisions of this By-law and the requirement to demonstrate adequate servicing can be provided for the use as required by Section 3.24.

The applicant has provided a proposal and supporting information that a single-family dwelling on private onsite services can be located outside of the 1:100-year flood plain and wave up rush to the satisfaction of the South Nation Conservation Authority and Township staff, and there would be no negative impacts on adjacent properties.

The requested variances are therefore considered minor in nature.

4. Is the application desirable for the appropriate development or use of the land, building or structure?

The requested variances will utilize an existing undersized lot in the Township. The development will have safe road access through a shared private lane shared between 39 properties on Tuttle Point. The development will not interfere with the continued use of the private lane or impede traffic. The owner/applicant shall not block or impede the use of the private lane during the building process.

The proposed development is outside of the 1:100-year floodplain and 5-metre wave uprush and is not anticipated to have any negative effects on the abutting residential uses or watercourse. No new development is proposed along the waters edge. As a condition of approval, that prior to the issuance of a building permit, the owner/applicant shall apply, pay and obtain a Development Permit from the South Nation Conservation Authority.

The development will be serviced with private onsite services. The sewage disposal system will be located outside of the floodplain.

The lands north of the private lane shall be maintained in its natural state. A development agreement will be registered on title which will address any warning clauses and their obligations.

The variances are site specific and are only applied to the location of the proposed development as per the approved site plan attached to the notice of decision and is therefore considered to be desirable for and appropriate for development for an existing undersized non-complying lot.

**Technical Comments:** The application was circulated to internal and external departments. There were no written comments or objections received by staff at the time of preparing this report.

**Notification:** Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 10 days in advance of the public meeting.

A total of 15 property owners who fell within the required 60 metre notification radius of the subject property, were notified by regular mail, which was dated February 21, 2025. Property ownership was derived from the latest MPAC assessment prior to the date of mailing.

Additional notice in the form of signage was posted along the frontage of the subject property. Notice was also posted on the Townships website.

**Public Comments:** There were no written comments or objections received by staff at the time of preparing this report.

**Financial Considerations:** The applicant has submitted the required fee to the Township for the minor variance, in accordance with the Planning Fees Bylaw 2022-40.

**Attached Drawings and Supporting Documents:**

- a) Site Plan Drawing; and
- b) Floor Plan and Elevation Drawings.

**Recommendation:** That the Committee of Adjustment approve minor variance application A-01-25 to reduce the minimum interior side yard setback requirement and water setback, subject to the following conditions:

1. That the approved variances apply only to the location of the structures as per the approved site plan attached to the Notice of Decision, and not to the entire property.
2. That the owner obtains a Development Permit from the South Nation Conservation Authority prior to the issuance of a building permit;
3. That the owner obtains a building permit from the Township prior to construction; and
4. That the owner enters into a Development Agreement with Township, prior to the issuance of a building permit.



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Tim Fisher  
Municipal Land Use Planner