

Township of Edwardsburgh Cardinal Report to the Committee of Adjustment

Public Meeting Date: March 4, 2025

Application for Minor Variance A-02-25

Property Location: 22 Frederick Street

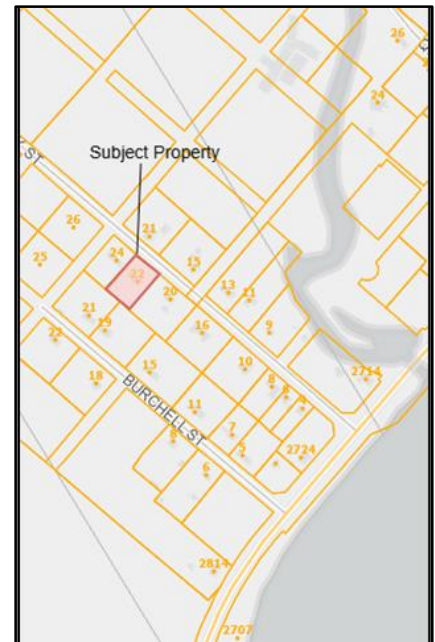
Property Description: Plan 6, Lot 17

Roll Number: 070170102004506

Owner: Johnathan and Caitlin McNickle

Agent: Lockwood Brothers Construction

The purpose and effect of minor variance application A-02-25 for the property municipally known as 22 Frederick Street, is to obtain relief from the provisions of Zoning By-Law Number 2022-37. The applicant is requesting a variance to permit partial shared services to an additional residential unit to be located in an accessory building in the rear yard. The by-law provision requires the additional residential unit to share both private water and sewage disposal system.



Requested Variance:

1. Section being Varied: Section 4.1.6, Additional Residential Units

Existing Requirement: All additional residential units shall be connected to the same water supply and sewage disposal systems as the principal dwelling.

Requested Variance: The additional residential unit shall be connected to either a private water supply or a sewage disposal system as the principal dwelling.

Site Characteristics: The subject property is a 0.25 hectare parcel of land with approximately 39 metres of road frontage on Frederick Street. The property is developed with a detached single-family dwelling with attached garage on full private services (well and sewage disposal system). The rear yard is developed with a swimming pool and shed.

The subject property is located within the Village of Johnstown and is adjacent to single family dwelling uses developed on individual private services to the north, east, south and west.

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

The property is zoned Residential First Density (R1) 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 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 Settlement Policy Area in the Township of Edwardsburgh Official Plan and subject to the policies of Section 3.1. The Settlement Policy Area designation is intended to be the areas of the Township where growth will be focused in order to optimize the use of public services and infrastructure, and to minimize the outward sprawl of development into areas of natural resources and natural heritage.

The goal of the policy is to create sustainable mixed-use communities where the unique local character of each of the Township's villages and hamlets will be maintained and where the vitality and regeneration of the Township's communities will be promoted and encouraged. Where possible, the Township will promote intensification, infill and redevelopment of vacant and/or underutilized sites, subject to appropriate servicing.

The owner is proposing to establish an Additional Residential Unit (ARU) in a proposed accessory structure in the rear yard. ARU's are subject to the policies of Section 6.2.1 of the Official Plan. Additional residential units are self-contained dwelling units, that are subordinate to an existing dwelling and contains its own separate cooking and bathroom facilities in addition to the usual living quarters. They are an efficient and cost-effective means of increasing the supply of housing, affordable housing and special needs housing.

Standards shall be established in the Zoning By-law to govern compatibility with both the main dwelling and with surrounding land uses, as well to ensure a secondary relationship to the main dwelling. The Zoning By-law will consider matters such as parking requirements, servicing and other matters considered appropriate by Council.

Additional residential units shall be appropriately serviced. In the case where the primary dwelling is supported by private services, the additional residential unit shall be required to share the private service.

The detached single-family dwelling developed with private onsite services and its accessory uses are permitted uses on land designated as Settlement Policy Area in the Official Plan. The proposed additional residential unit in the accessory structure which is to be located in the rear yard, complies with the intent of Section 6.2.1 regarding ARU's. The policy requires the ARU to be developed sharing the private

service. It is staffs' interpretation of this policy that 'private service' is singular and is therefore required to share one or both private services.

The proposed ARU to be developed with a shared well with the primary dwelling and each having separate sewage disposal systems is in keeping with the intent of the Official Plan and specifically Section 6.21 pertaining to additional residential units.

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

The property is zoned Residential First Density (R1) in the Township of Edwardsburgh Cardinal Zoning By-Law Number 2022-37. The single-family dwelling developed on private services (well and sewage disposal system) is a permitted use in the (R1) zone. The subject property has an existing lot area of 0.25 hectares which does not comply with the minimum lot area of 0.4 hectares for a lot in the R1 zone with private services. The subject lot is legal non-complying as is as legally created prior to the passing of Zoning By-Law 2022-37. Any new development on the subject lot is required to comply with the requirements of the zoning by-law.

The proposed additional residential unit to be established within a proposed accessory structure in the rear yard complies with the requirements of the R1 zone and requirements for an accessory structure. The proposal however does not comply with Section 4.1.6 which requires an ARU to be connected to the same services as the principal dwelling. A variance is requested to permit the ARU to be connected to the same water supply as the dwelling and provide a separate sewage disposal system to be located in the rear yard.

The intent of Section 4.1.6 was to prevent an ARU from being created on full separate services which could result in the potential of future requests to sever a new lot since two dwellings were located on one lot. Providing at minimum one connection to the same service as the dwelling will render the ARU to be considered dependent on the primary dwelling and cannot be considered a separate and independent unit.

The proposal is site specific, and the requested variance meets the general intent of the Zoning By-Law and Official Plan policies.

3. Is the application minor in nature?

The proposal maintains the residential character of the settlement area and is anticipated to have no negative impacts on the abutting lands or inhibit their continued enjoyment of their properties. The additional residential unit is in keeping

with the “More Homes Built Faster” policy changes made the Provincial Government and will support intensification on existing lots in a settlement area. The ARU will be developed using the existing well which services the principal dwelling while each will have its own separate sewage disposal system, making the unit dependent on the principal dwelling which is in keeping with the Official Plan policies pertaining to additional residential units.

A building permit is required prior to the construction of the ARU and the new sewage disposal system.

The requested variance is in keeping with the policies of the Official Plan and Zoning By-Law provisions and will not result in any negative impacts on the abutting lands or their continued use and is therefore considered minor in nature.

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

The requested variance will permit an additional residential unit in an accessory structure to be constructed in the rear yard, connected to the existing well which services the principal dwelling and each having separate and independent sewage disposal systems.

The location of the accessory structure complies with the requirements of the Zoning By-law. A walkway is provided from the entry of the ARU to the existing driveway. The rear yard is developed with a swimming pool and shed with the well located in the rear yard and the existing sewage disposal system for the principal dwelling, located in the front yard.

The existing sewage disposal system in the front yard makes it difficult for the ARU to tie it into the existing service. The applicant proposes a Waterloo Biofilter System which has a new septic tank to be located 1.5 metres from the eastern wall of the ARU. The effluent from the two chambered septic tank will then be pumped to the Biofilter tank and then dispersed within a 6 metre by 20 metre tile bed located at the southern corner of the lot. The location of the new septic tank and bed is a result of the Ministry of Environment and Energy requirement of 15 metres of separation or a septic system to a well while complying with the septic requirements under the Ontario Building Code.

The variance is site specific and addresses servicing for the proposed additional residential unit in the accessory building in the rear yard. The applicant has

demonstrated that development will comply with the requirements of the R1 zone and that services can be located entirely within the existing lot and therefore the proposal is considered to be desirable for and appropriate for development for the subject 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 12 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-02-25 to permit an additional residential unit (ARU) to be connected to either a private water supply or a sewage disposal system which services the principal dwelling, subject to the following conditions:

1. That the owner/applicant obtain a Building Permit from the Township prior to the construction of the ARU unit in the accessory structure and new sewage disposal system; and
2. That the owner/applicant shall provide the Building Department with a copy of the Notice of Decision and the approved site plan drawing attached to the notice as part of the Building Permit Application Submission.



Tim Fisher
Municipal Land Use Planner