

September 19, 2021

United Counties of Leeds and Grenville
25 Central Avenue, Suite 100
Brockville, ON
K6V 4N6

Township of Edwardsburgh-Cardinal
PO Box 129
18 Centre Street
Spencerville, ON
K0E 1X0

**RE: Applications for Consent and Minor Variance
Brouseville Road
Part of Lot 24, Concession 3
Geographic Township of Edwardsburgh
Township of Edwardsburgh-Cardinal
Owner: Ryan Lawless**

To Whom it May Concern,

ZanderPlan Inc. has been retained by Ryan Lawless to assist with one Consent application and an associated Minor Variance for the creation of a new lot from the property located in Part of Lot 24, Concession 3, in the the Geographic Township of Edwardsburgh. The applicant is seeking to sever a 3.59 ha lot from the parcel for future residential uses. The property has a total area of 9.84 hectares with 97.8 metres of frontage on Brouseville Road. The Retained lands have an area of 6.2 hectares but would remain with 27.8 metres of frontage on Brouseville Road, a deficiency of 42.2 metres under current Edwardsburg/Cardinal Zoning By-Law, therefore requiring a Minor Variance. A planning brief was requested by the Township to support the Minor Variance Application, as such this document will address the 2020 Provincial Policy Statement, the Township of Edwardsburgh Cardinal Official Plan and Zoning By-Law and the proposal's conformity to relevant policies. This report will also speak to the Minor Variance and the "four tests" of a Minor Variance.

SUBJECT PROPERTY

The subject property is located in Part of Lot 24, Concession 3 in the Geographic Township of Edwardsburgh, in an area characterized by a mix of agricultural activity, residential uses, and woodlands (See Figure 1 below). The property is largely vacant with the exception of a structure that is currently used for storage. The existing storage building would remain with the retained

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portion of the lands. The subject property contains South Nation River Conservation Authority evaluated wetlands and significant woodlands; however, these are restricted to the rear of the property. In consultation with SAR Ontario, it was determined that no environmental impact study was required to support this proposal.

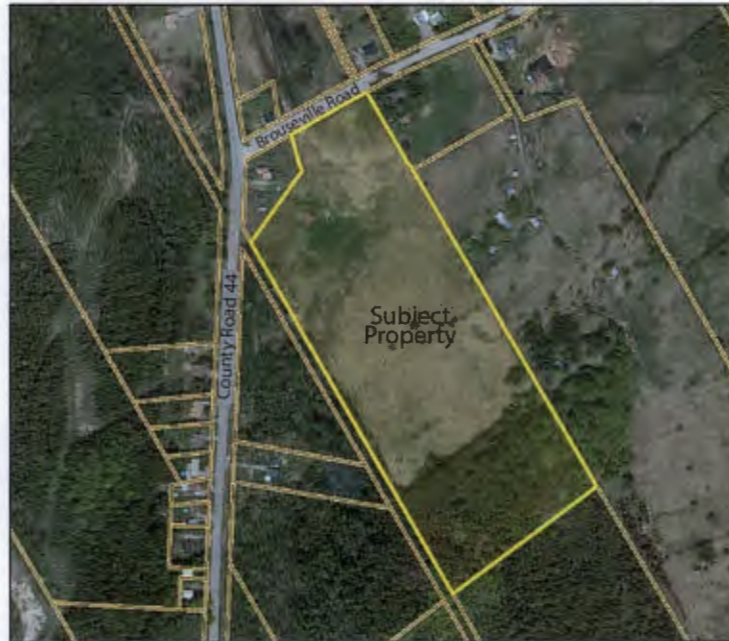


Figure 1: Aerial view of the subject property (Source: AgMaps)

SEVERANCE PROPOSAL AND MINOR VARIANCE

The subject site consists of approximately 24.33 acres (98,466 m²) of land with 97.8 metres of frontage onto Brouseville Road. The proposed severance will measure approximately 3.6 hectares (8.9 ac) in size with 70 metres of frontage on Brouseville Road. The proposed severance does not encroach on the evaluated wetlands on the property. The retained lands would have a frontage of 27.8 metres, 42.2 metres short of the 70 metres required by the Township of Edwardsburgh/Cardinal Zoning By-Law. Therefore, a Minor Variance will also be required, as shown in the sketch provided by ZanderPlan.

SURROUNDING CONTEXT

The subject property is located in the Geographic Township of Edwardsburgh, approximately 1.2 km east of Highway 416. The area to the north of the subject property is characterized by residential lots, forested land and few agricultural fields. Lands to the east are characterized primarily by large parcels containing woodland and wetland. There are two neighbouring parcels to the east, one has several storage buildings at the northern end of the property and is largely cleared with the exception of the rear of the property, the other is much smaller and contains a

single detached dwelling. Lands to the south consist of large parcels containing wooded areas and wetlands. Lands to the west consist of large, wooded parcels and small residential lots fronting onto County Road 44. An unopened road allowance immediately abuts the property to the west. Approximately 400 metres to the west of the subject property is a licensed mineral extraction operation. It is notable that several residential and rural lands in the area surrounding the subject property appear to have deficient frontages under the current Zoning By-Law. Two residential lots approximately 175 metres southwest of the subject site have similar sized frontages to the proposed retained lot in the Rural zone (See figure 2).



Figure 2: Deficient lot frontages along County Road 44, approximate lot frontages derived from AgMaps
(Image Source: AgMaps)

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS, 2020), created under the authority of Section 3 of the *Planning Act*, identifies matters of Provincial interest which must be considered when planning applications are filed in Ontario. Approval authorities are required to ensure that decisions on planning matters are consistent with these policies.

The following sections in the Provincial Policy Statement are relevant to the proposal. The proposed development is consistent with **Section 1.0** Building Strong Healthy Communities and policies (b) (c) (h) in **Section 1.1** as it represents an efficient use of land, will contribute to the supply of housing, and does not pose any risks. **Section 1.1.4** speaks to Rural Areas in Municipalities; the proposal is consistent with policies (d) (e) in **Section 1.1.4.1** as rural lot creation is a permitted use. The proposed development is consistent with **Section 1.1.5** in the PPS, which speaks to Rural Lands in Municipalities. The proposed severance does not meet the definition of a major facility, nor is the subject property near a major facility, remaining consistent with **Section 1.2.6** which speaks to Land Use Compatibility. **Section 1.4** speaks to Housing; the proposal is consistent with this section and policy (c) in **Section 1.4.3** as it will contribute to the

supply of housing in the Township. The proposed development is consistent with policies in **Section 1.6** which speaks to Infrastructure and Public Service Facilities as the severed and retained lands would both be developed with residential uses on private services.

Section 2.0 of the PPS speaks to the Wise Use and Management of Resources. **Section 2.1** speaks to Natural Heritage. **Section 2.1.7** of the PPS states "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements." This application is for the severance of a lot and is therefore not subject to conditions under the Endangered Species Act at this stage. However, it is noted that it is the owner's responsibility to comply with the Endangered Species Act at the time of development.

Section 2.2 speaks to water; the subject property is not within a Drinking Water Protection Zone and the large lots will be sufficient to mitigate any increased stormwater runoff from development. Both lots will be serviced with private drinking water sources. It is noted in consultation with the Township that a lot grading and drainage plan may be required at the time of development to demonstrate how stormwater runoff will be managed.

The required MDS calculations have been completed as per **Section 2.3**, which speaks to Agriculture, and the relevant setbacks are shown on the enclosed sketch. **Section 2.4** speaks to Minerals and Petroleum; there are no known mineral or petroleum resources located on or near the subject site. **Section 2.5** speaks to Mineral Aggregate Resources the proposal is consistent with **Section 2.5.2.4** as it will not hinder the expansion or continued use of the extraction operation. **Section 2.6** speaks to Cultural Heritage and Archaeology. There are no known cultural heritage or archaeological resources located on or within proximity to the site.

Section 3.0 of the PPS speaks to Protecting Public Health and Safety, and in particular to Natural Hazards such as floodplains and hazard lands at **Section 3.1**, and Human Made Hazards such as mine hazards, and oil and gas hazards at **Section 3.2**. There are no known natural or human made hazards on or within proximity to the site.

Overall, the proposed severance and associated minor variance to recognize the undersized frontage on the retained lot would be consistent with the policies of the Provincial Policy Statement (PPS) 2020.

UNITED COUNTIES OF LEEDS AND GRENVILLE OFFICIAL PLAN

The subject property falls within the Rural Lands designation of the United Counties of Leeds and Grenville Official Plan. **Section 3.0** of the Official Plan speaks to Rural Areas within the County. **Section 3.3** of the Official Plan speaks to the Rural Lands designation, the proposal can be seen to be consistent with the objectives outlined in this section as rural residential land uses are permitted. The proposal is considered a permitted use in the Rural Lands designation and is consistent with **Section 3.3.3** Land Use Policies. **Section 6.0** speaks to Transportation,

Infrastructure, and Servicing, under Section 3.3.3 (c) development in rural lands will be subject to policies of Section 6.3, with respect to servicing. The site will be serviced with individual wells and septic systems. The proposal is consistent with objectives and policies set out in this section. The proposed severance and associated minor variance would meet the intent of the Official Plan policies.

TOWNSHIP OF EDWARDSBURGH CARDINAL OFFICIAL PLAN

The subject property lies within the Rural Policy Area in the Township of Edwardsburgh Cardinal Official Plan. **Section 3.4** of the Official Plan outlines objectives and policies for the Rural Policy Area. Within the Rural Policy Area, the intent of this Official Plan is not to prohibit residential development but rather preserve the identity and character of the rural landscape. The proposed severance will leave the retained lot with a deficient frontage. However, it is not out of character in the surrounding area, as several nearby residential lots have similar frontage to what is being proposed. It is notable that, while the retained lands would have a deficient lot frontage, the parcel of land widens out significantly after the first 45 metres, opening up to a very large development envelope and an overall lot area of more than six hectares. Additionally, the neighbouring farm has an extremely deficient frontage onto Brouseville Road, with a frontage of approximately 10 metres.

With several properties in the immediate area of the subject property having deficient frontages according to the current Zoning By-Law, small frontages can be seen to be part of the rural character of this area. The proposal is consistent with policies set out in **Section 3.4.2. Section 6.17.5** of the Official Plan speaks to Significant Woodlands. The proposed severances allow for sufficient buildable area outside of the 120-metre zone considered “adjacent” to the significant woodlands located at the rear of the property. **Section 7.1** speaks to Land division within the Township. **Policy 7.1.1.1** states that “The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law”. The proposal does not conform to the frontage provisions of the Zoning By-Law. However, the size and shape of the lot are appropriate for the proposed residential use in this context. There is sufficient area suitable for development that conforms to remaining relevant policies set out in the Zoning By-Law, thereby conforming to the policies set out in Section 7.1.

TOWNSHIP OF EDWARDSBURGH/CARDINAL ZONING BY-LAW NO. 2012-35

The subject property is zoned Rural (RU) in the Township of Edwardsburgh Cardinal Zoning By-Law No. 2012-35. Surrounding properties are zoned Rural (RU) Environmental Protection – Wetland (EPW), and Highway Commercial (HC). **Section 4.15** of the Zoning By-Law speaks to frontage on a public street; the proposed development will be seeking a minor variance to allow deficient lot frontage. If the minor variance is granted, the proposed development would be seen to comply with Sec. 4.15 (a). **Section 10.1** of the Zoning By-Law speaks to Rural Zones in the Township. The entire subject property is zoned Rural (RU). Section 10.1 (b) [iii] outlines minimum requirements

for the proposed lots. The proposed development will conform to all provisions in this section aside from the minimum lot frontage requirement of 70 metres.

MINOR VARIANCE

Section 45 (1) of the *Planning Act* speaks to the Minor Variance process. The Committee of Adjustment may authorize a minor variance from the provisions of the Zoning By-law if, in the Committee's opinion, the application is minor in nature, is desirable for the appropriate development of the lands in question, conforms to the general intent of the Zoning By-law, and conforms to the general intent of the Official Plan. These are referred to as "the four tests" of a Minor Variance.

The proposed reduction in lot frontage along Brouseville Road is minor in nature. The proposed severance will see the retained lands have a lot frontage deficiency of 42.2 metres. However, the impact this reduction will have can be considered minor, as there is sufficient room on the retained parcel for a driveway and a dwelling as the parcel begins to widen from its shortest width at Brouseville Road. At more than six hectares, with a width of approximately 132 metres once the property widens out, any dwelling on the property will be set back significantly from the travelled roadway where the parcel widens out, thereby reducing its visibility from the roadway.

The proposed severance is desirable for the development of the land as it will fit in with the character of the area and allow for the creation of two rural residential lots of substantial size. The severance is proposed near the intersection of County Road 44 and Brouseville Road, known as Crystal Rock. This area is characterized by single detached dwellings, agricultural uses, and forested areas. Several residential properties along County Road 44 have similar deficient frontages onto Brouseville Road under the current zoning. The neighbouring agricultural property has a smaller frontage on Brouseville Road than what is being proposed in this application. In addition to the deficient frontage, this neighbouring parcel has a dwelling built away from the road and behind an existing severance along County Road 44, much like what will be developed on the retained parcel. The proposed severance will not negatively impact the natural features on the property, and there is sufficient room for future development outside the 120-metre buffer zone for significant woodlands and the SNRCA evaluated wetlands. No negative impacts on surrounding land uses are anticipated by the development.

The proposed severance conforms to the general intent of the Township of Edwardsburgh Cardinal's Official Plan. The proposal conforms with the Council's vision for Edwardsburgh Cardinal as well as the guiding principles by ensuring the natural heritage features at the rear of the property are preserved while contributing to the mix of residential dwellings in the rural area. The subject property is designated under the Rural Policy Area in the Official Plan. The proposal meets all requirements and conforms to the goals and objectives set out in the Rural Policy Area. The proposal conforms to the general policies set out in Section 7.1 to allow lots to be created by severance.



Your rural land planning experts

The proposed severance conforms to the general intent on the Township's Zoning By-Law . The entire property is zoned Rural (RU). Under the Rural zoning designation, single detached dwellings are a permitted use. The proposed retained lot will have excess room on the site to accommodate future development that can far exceed the minimum requirement of the RU zone, and the lot area will also exceed the minimum requirement. With the exception of the reduced frontage the proposed severances will meet/exceed all of the Zone requirements of the RU zone.

SUMMARY

The property owner is proposing to sever an existing 98,466 square metre parcel, leaving approximately 62,513 square metres of retained land with the existing storage building. The proposed severance will result in a retained parcel with a deficient lot frontage on Brouseville Road of 42.2 meters, thereby requiring a concurrent Minor Variance. The subject property falls under the Rural Policy Area in the Township of Edwardsburgh Cardinal's Official Plan, and the entire subject property is zoned Rural (RU). The proposal meets the "four tests" of a Minor Variance application and the general intent of the Official Plan, complies with the Township's Zoning By-Law, and is consistent with the 2020 Provincial Policy Statement.

Should you have any further questions please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "Tracy Zander".

Tracy Zander, M.Pl, MCIP, RPP

A handwritten signature in black ink that appears to read "Matthew Lauzon".

Matthew Lauzon, M.Pl