

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

COMMITTEE:

Committee of Adjustment

APPLICATION TYPE

Minor Variance

Section 45 of the *Planning Act*

FILE NO.

A-02-26

PROPERTY LOCATION:

37 Tuttle Point Road

PROPERTY DESCRIPTION:

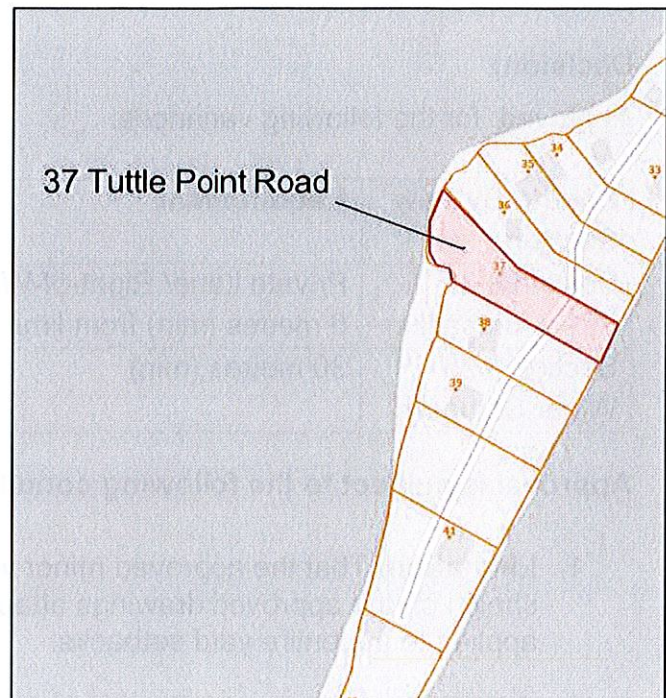
Concession 1, Part Lot 21

ROLL NUMBER:

070170101515300

OWNER/ APPLICANT:

Pierre and Monique Lemay

**PROPOSAL AND PURPOSE OF THE APPLICATION:**

The purpose and effect of Minor Variance Application A02-26 is to obtain relief from the provisions of Zoning By-Law Number 2022-37, to replace an existing 33.1 square metre detached garage with a 55 square metre, one storey, detached garage.

DECISION AND REASONS OF THE COMMITTEE:

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance(s) requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the *Planning Act*, concur in the following decision made during the Committee's public meeting on **September 2, 2026**.

Decision:

Approved, for the following variances:

Zoning By-Law Section	Requirement
Section 3.21 Street Setbacks	Private Lane/ Right-of-Way 6 metres (min) from limit of ROW
Section 3.25 Water Setbacks	30 metres (min)

Approval is subject to the following conditions:

1. **Limitation:** That the approved minor variance applies only to detached garage as shown on the approved drawings attached to the notice of decision and is not applied to the entire yard setbacks.
2. **Grading and Drainage:** The owner/applicant shall ensure that grading and drainage shall not adversely impact the abutting parcels of land and their uses and on the private lane.
3. **Building Permit Application:** The owner/applicant shall provide a copy of the Notice of Decision to the Building Department together with a copy of the approved drawings, when they make application for a Building Permit.

Attachments:

1. Approved Sketch and Elevation Drawings– Prepared by owner/ applicant

Reasons for Decision:

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 Townships Official Plan. The goal of the Rural 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.

It is a policy of the Official Plan that Rural Policy Area lands are intended for limited, low density residential development that complements the character of the rural environment and can be sustained by rural service levels while protecting the natural heritage features and their ecological functions.

This area has been in a state of transition, with the landowners changing the type of structures on the lots from seasonal cottages to year-round residences (single detached dwellings), subject to water setbacks and permits from the South Nation Conservation Authority.

South Nation Conservation Authority reviewed the variance application based on the impacts of the application, as outlined under Section 5.2 (Natural Hazards) of the Provincial Policy Statement, 2024, issued under Section 3 of the *Planning Act*. They also consider the Municipality of Edwardsburgh Cardinal's Zoning Bylaw and the United Counties of Leeds and Grenville (UCLG) Official Plan. The review also considers the on-site sewage system agreement and Source Water Protection agreement between SNC and the Township of Edwardsburgh/Cardinal

The proposed and the former garage are located within the floodplain of the St Lawrence River and 20-metre adjacent area. It is also noted the western half of the property contains the 30 metre adjacent area of the Johnstown Creek Marsh Complex which is a Provincially Significant Wetland. Development including removal of vegetation within the regulated wetland is not permitted and any development within 30 metres of the wetland will require a permit from the South Nation Conservation Authority. It is recognized that the applicant is not proposing any development adjacent to the wetland.

The subject property is designated as Agricultural Resource Policy Area in the Townships Official Plan. The goal of the Agricultural policy is to identify and protect areas of prime agricultural soils for long-term agricultural use.

The subject property is an existing 0.8 hectare parcel of land which is developed with a single-detached dwelling with private on-site services. The agricultural policy goal is to protect prime agricultural lands however it also recognizes existing residential development and the continued use and accessory uses associated with residential uses. The proposed detached garage will not result in the removal of agricultural lands which is currently in production and will provide the homeowner with secure parking which is in keeping with rural residential development.

The detached garage will not result in the need for a minimum distance separation calculation as no new residential dwelling is proposed.

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

The subject property is zoned Agricultural Limited Service Residential (RLS) Zone in Zoning By-Law Number 2022-37, as amended.

The RLS zone permits a single-detached dwelling. The RLS zone recognizes existing development on private roads and the township has no intent in upgrading or maintaining such private roads or rights-of-way or its level of services. Is the application minor in nature?

The detached garage is permitted as an accessory use to the principle residential use. An accessory use located in a Residential zone is permitted to be setback a minimum of 3 metres from a side and rear lot line when outside of a settlement policy area and is limited to a maximum of 10% total lot coverage of all accessory structures and a maximum height of 1 storey or 5.5 metres. The proposed garage will comply with the height and setbacks from the side lot lines.

The location of the proposed garage is adjacent to a private lane (Tuttle Point Road), which requires a setback from a private road (right-of-way) of 6 metres. The applicant is proposing 2 metres which is in-keeping with the distance of the former detached garage.

The detached garage is located within the 30 metre setback from a watercourse (St. Lawrence River/ North Channel). The proposed garage will maintain a 12 metre

setback from the waters edge and retaining wall. SNC is satisfied with the proposal and has issued a SNC Development Permit (2026-EDW-R029). A copy of this permit will be required as part of the Building Permit application.

3. Is the application minor in nature?

The proposal maintains the rural character of the area, in keeping with the existing development along Tuttle Point Road and is anticipated to have no negative impacts on the abutting residential lands or inhibit their continued use. The variances will permit the detached garage to be located within close proximity to the existing dwelling, parking and maintain its road access from the private lane.

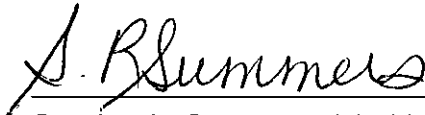
It is the opinion of staff that the requested variances are in keeping with the policies of the Official Plan and Zoning By-Law provisions and will not result in any negative impacts on the abutting lands or their continued use and are therefore considered minor in nature.

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

The requested variances and the design of the detached garage is desirable and appropriate development on the subject lot and is in keeping with the existing development along Tuttle Point Road.

The location of the garage will not encroach or interfere with the traffic along the private lane (Tuttle Point Road) and will be slightly wider than the former detached garage which was located in the same area. SNC has no concerns regarding the variances and the development. The owner has obtained a SNC development permit and has applied for a building permit with the township.

COMMITTEE SIGNATURE PAGE:


Stephanie Summers (chair)

Donald Gibson


Tim Nason

WRITTEN AND ORAL SUBMISSIONS:

The number of public input (written or oral submissions) are listed below:

1. No public written submissions were received by the township prior to the public meeting.
2. No public oral submissions were received by the Committee during the public meeting.

The public comments received prior to, or during the public meeting had no effect on the Committee's final decision.

MAKING AN APPEAL:

The applicant, the Minister or a specified person or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the Committee. *Planning Act 45 (12)*

Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of this Minor Variance may be made by filing a notice of appeal with the City Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service> by selecting Township of Edwardsburgh Cardinal as the Approval Authority or by mail to P.O Box 129, Spencerville ON K0E 1X0.

The last date for filing of appeal of this decision is the 20 days from decision at 4:30 p.m. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$400 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to tfisher@twpec.ca.

OTHER ASSOCIATE APPLICATIONS:

The subject land is the subject of an application under the Act for:

☒ Not Applicable

☐ Approval of a plan of subdivision (under section 51)

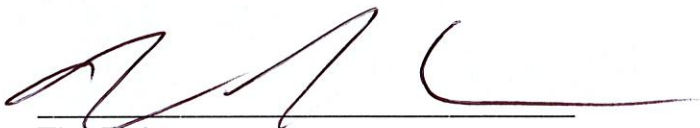
☐ Consent (under section 53) File: _____ Status: _____

☐ Previous application (under section 45)

CERTIFICATION:

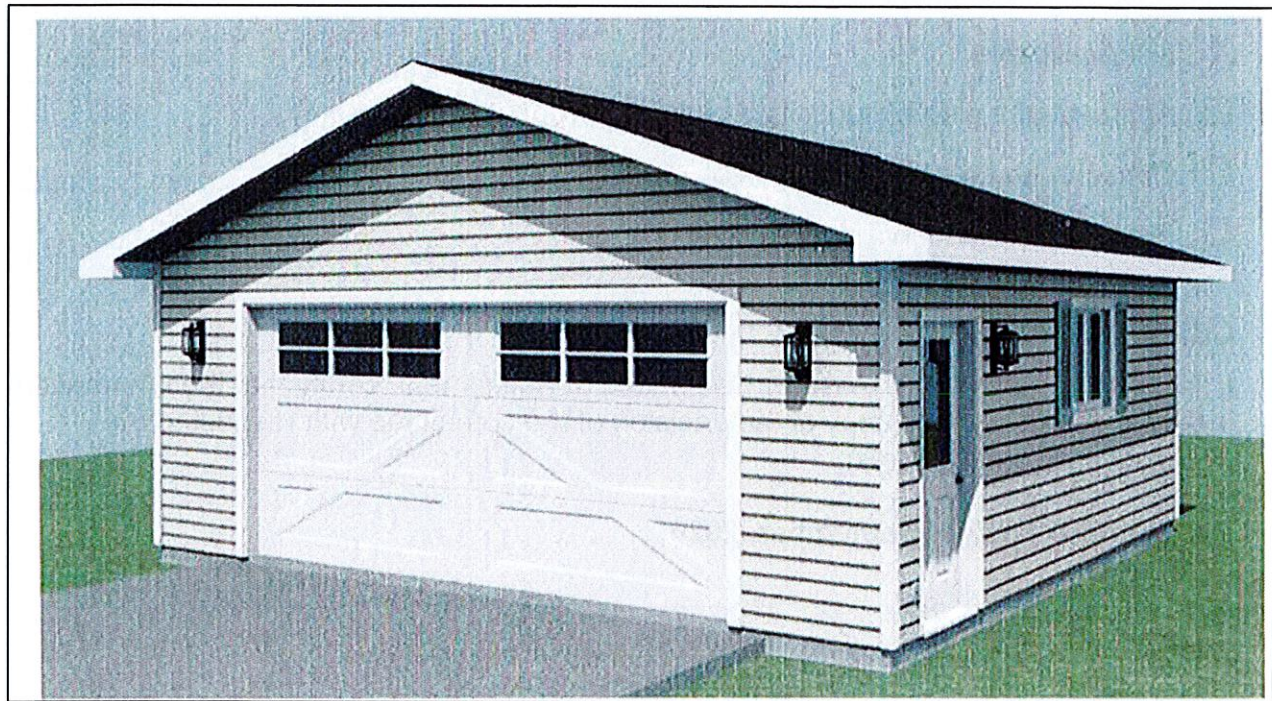
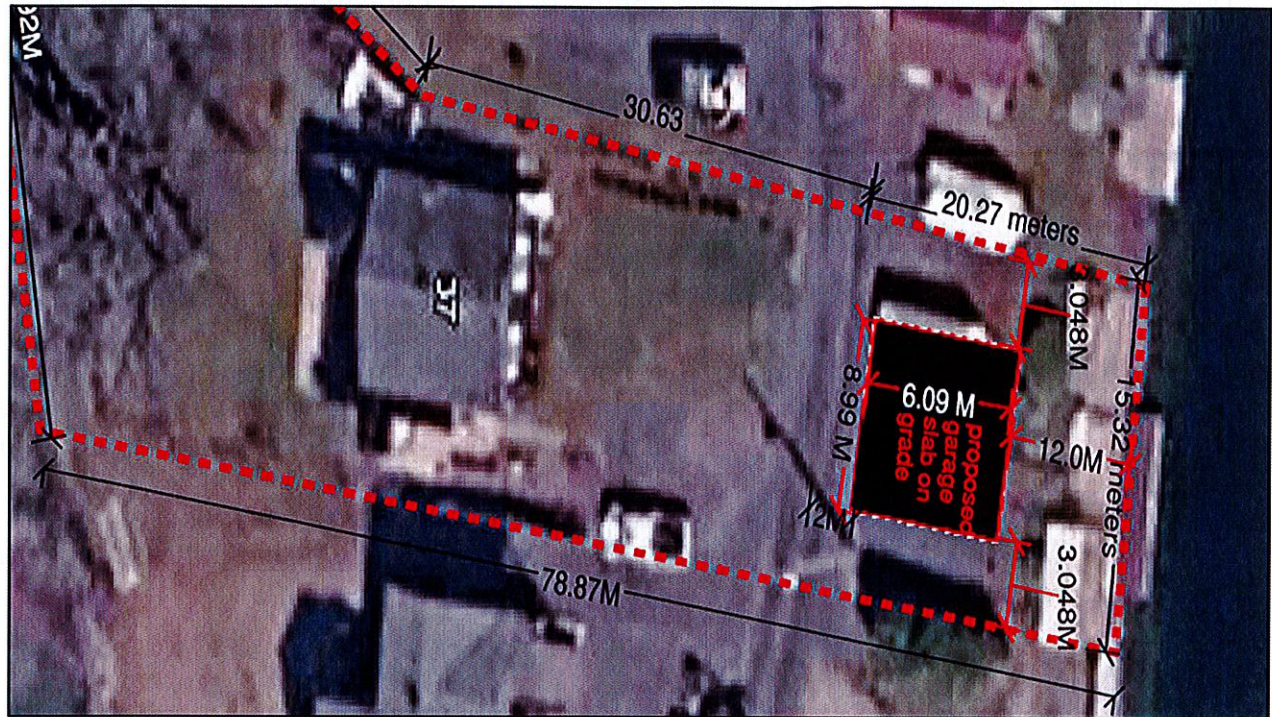
I, Tim Fisher, Secretary Treasurer Committee of Adjustment, certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.

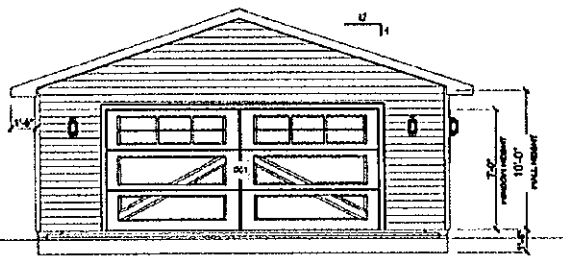
Dated this 2nd day of September, 2026



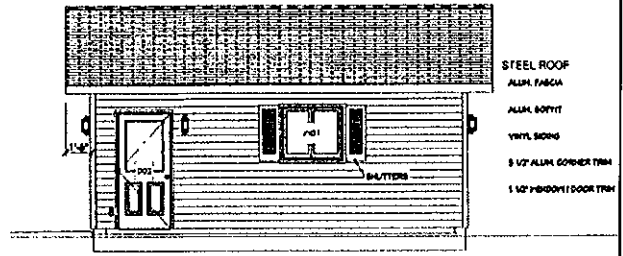
Tim Fisher
Secretary Treasurer, Committee of Adjustment
Township of Edwardsburgh Cardinal

APPROVED SKETCH:

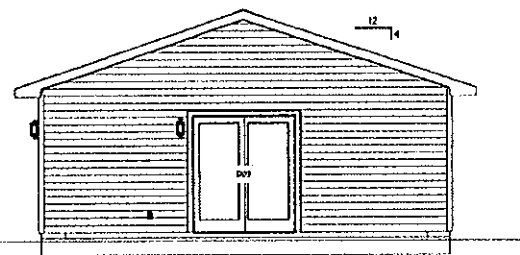




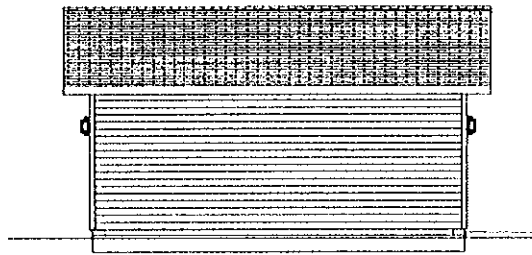
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

