

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

COMMITTEE:

Committee of Adjustment

APPLICATION TYPE

Minor Variance

Section 45 of the *Planning Act*

FILE NO.

A-03-26

PROPERTY LOCATION:

30 Tuttle Point Road

PROPERTY DESCRIPTION:

Concession 1, Part Lot 21

ROLL NUMBER:

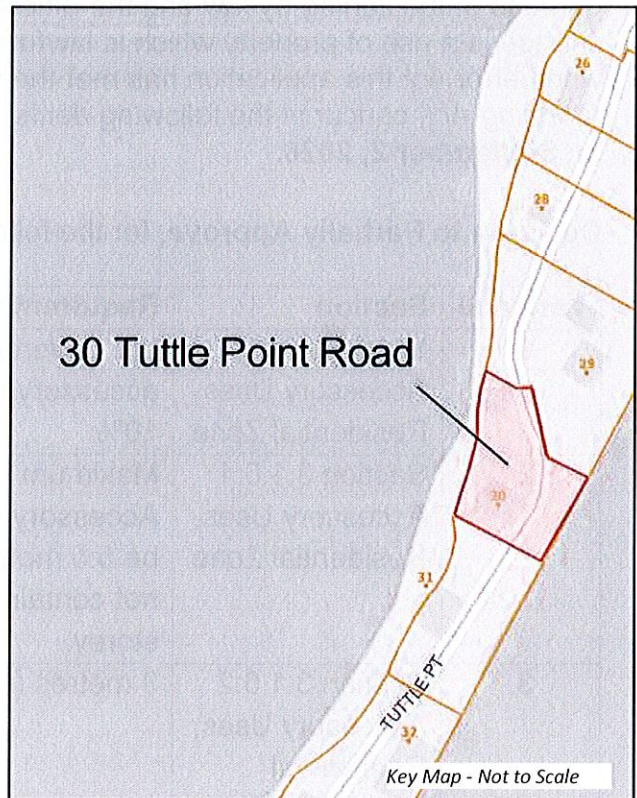
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OWNER/ APPLICANT:

Robert and Deborah Bradbeer

AGENT:

Matthew Linton, Blueprint Boulevard

**PROPOSAL AND PURPOSE OF THE APPLICATION:**

The purpose and effect of Minor Variance Application A03-26 is to obtain relief from the provisions of Zoning By-Law Number 2022-37, to replace an existing 37.1 square metre detached garage with an 83.2 square metre, two storey, detached garage with 41.9 square metre carport.

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 to Partially Approve, for the following variances (as amended):

Variance	Section	Requirement	Proposal
1	Section 3.1.6.1 Accessory Uses, Residential Zone	Lot Coverage of all accessory buildings (max) 10%	11 %
2	Section 3.1.6.1 Accessory Uses, Residential Zone	Maximum Height of an Accessory Building shall be 5.5 metres and shall not contain more than 1 storey.	9 metres to peak of roof, limited to one storey, with attic storage area (Detached Garage)
3	Section 3.1.6.2 Accessory Uses, Residential Zone, All Other Lots	3 metres (min)	1.2 metres, (Detached Garage, Northeastern Lot Line)
4	Section 3.21 Street Setbacks	Private Lane/ Right-of- Way 6 metres (min) from limit of ROW	1.7 metres, (Tuttle Point Road)
5	Section 3.25 Water Setbacks	30 metres (min)	3.1 metres, (Detached Garage) 2.5 metres, (Carport)

Decision to Deny, for the following variance

2	Section 3.1.6.1 Accessory Uses, Residential Zone	Maximum Height of an Accessory Building shall not contain more than 1 storey.	2 storey, storage area (Detached Garage)
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Approval is subject to the following conditions:

1. **Limitation:** That the approved minor variance applies only to detached garage (limited to one storey garage with additional roof height to support storage within the attic space) and carport, and that the variance(s) are 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. **SNC Permit:** The owner/applicant shall obtain a Development/ Alteration permit from South Nation Conservation Authority and that a copy of the permit be provided to the township as part of the Building Permit application.
4. **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 – 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.

Section 5.2.2 of the United Counties of Leeds and Grenville's Official Plan does not permit development or site alteration within flooding hazards, except for the replacement of existing buildings where it has been demonstrated that there is no alternative building envelope outside of the floodplain hazard.

According to SNC mapping, the western side of the subject property, including the location of the existing and proposed garage, is within 30 metres of the Johnstown Creek Marsh Complex Provincially Significant Wetland.

Development including vegetation removal is not permitted within a regulated wetland. Any proposed development within or 30 metres adjacent to the wetland may require a permit from SNC, and restrictions may apply.

The existing garage and the proposed garage are located adjacent to the floodplain area. A SNC permit may be required before undertaking development activities or other activities in or near the following areas: floodplains; watercourses; unstable slopes; unstable soils and bedrock; hazardous lands; wetlands; and areas within 30 metres of wetlands.

SNC does not object to the requested variance subject to a condition that requires the owner/applicant to obtain a development/ alteration permit from SNC, required under the Conservation Authorities Act prior to any site alteration or development.

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

The subject property is zoned 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.

A variance is required to reduce the minimum side yard setback to the northern property line from 3 metres to 1.2 metres which is in keeping with the minimum side yard setback of a detached garage in the defined settlement areas of the Official Plan. The proposed setback will accommodate for drainage, grading and eave/ eavestrough. The detached garage will not encroach into the abutting property to the north.

The applicant is proposing an increase to 11% which is considered a minor increase when reviewing the proposed structure and the existing development.

A variance is requested to increase the maximum height of the proposed detached garage from 5.5 metres to 9 metres to accommodate a second storey for storage purposes. The applicant agent will be providing elevations prior to the public meeting. The concept drawing may be changed to accommodate variates to the materials, windows, etc and it is not to be considered as exactly what is proposed.

Staff does not support a full second storey as a two storey garage is out of character of the existing development along Tuttle Point Road. Staff can support a one storey detached garage with the requested height which will provide additional attic space and knee walls for storage. The added height will be higher than existing detached dwellings however the use of the attic space and not a full second storey will give the appearance of a larger, single storey garage.

The applicant is proposing 1.7 metres which is in-keeping with the distance of the former detached garage. The proposed setback will accommodate the eave and eavestrough overhangs. The garage will not encroach into the private road (right-of-way).

The detached garage is located within the 30 metre setback from a watercourse (St. Lawrence River) and the Johnstown Creek Marsh Complex Provincially Significant Wetland to the north. SNC has no objections to the requested variances to the water setback, subject to the owner/ applicant obtaining a development/ alteration permit from SNC as part of the building permit approval process.

3. Is the application minor in nature?

The proposal as amended by staff, 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 and carport to be located within close proximity to the existing dwelling, parking and maintain its road access from the private lane. The added height will provide storage space for residential items as storage is limited within the existing dwelling.

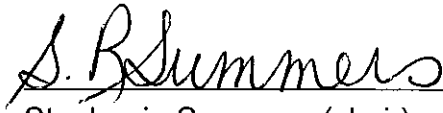
It is the opinion of staff that the requested variances as amended by staff, are in keeping with the policies of the Official Plan and Zoning By-Law provisions and will not result in any negative impacts on the abutting lands or their continued use and are therefore considered minor in nature.

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

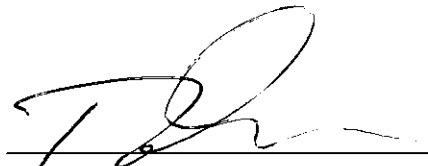
The requested variances and the design of the detached garage, subject to staffs amendment to be limited to one storey with additional height for storage in the attic space, is desirable and appropriate development on the subject lot and is in keeping with the existing development along Tuttle Point 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. A SNC and building permit is recommended as conditions of approval. The building permit may be issued once all applicable information has been submitted and reviewed by the township's building department (including SNC permit). A building permit cannot be issued until the variances are granted by the Committee and no appeals are received by the township within 20 days from the Committee making its decision.

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

STRUCTURE 1
EXISTING
DWELLING
(137.5m²)

STRUCTURE 2
PROPOSED
DWELLING
(100.0m²)

STRUCTURE 3
PROPOSED
GARAGE
(83.2m²)

STRUCTURE 4
PROPOSED
CARPORT
(41.9m²)

STRUCTURE 5
EXISTING
COVERED
GAZEBO
(22.9m²)

EXISTING WELL C/W STEEL CASING
MIN. 6.0m IN DEPTH. 15.0m RADIUS
SHOWN FOR CLARITY

EXISTING SEPTIC BED. REFER TO
ATTACHED SEPTIC COMPLIANCE
REVIEW DOCUMENTATION AS
COMPLETED BY SOUTH NATION FOR
EXACT SEPTIC BED LOCATION.

