

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

Committee: Committee of Adjustment
Application: Minor Variance, section 45 of the *Planning Act*
File Number: A-03-25
Public Meeting Date: June 4, 2025
Property Location: (no civic) Hoy Street
Property Description: Plan 42, Part Lot 41
Roll Number: 070170200550702
Owner: 1000611168 Ontario Inc.
Agent: Lockwood Brothers Construction

Proposal and Purpose of the Application:

The purpose and effect of minor variance application A-03-25 for an undeveloped property on Hoy Street, described as Plan 42 Part Lot 41, is to obtain relief from the provisions of Zoning By-Law Number 2022-37. The applicant is requesting a variance to increase the maximum lot coverage requirement in the Residential Second Density (R2) zone to recognize a proposed 189.7 square metre, semi-detached dwelling.

Requested Variance to Zoning By-Law No. 2022-37:

1. Section 6.2.2 – Lot Coverage (maximum)

Requirement – 30%

Requested – 46%

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 **June 4, 2025**.

Decision: Approved, subject to the following conditions.

Conditions:

1. Building Permit: That the owner/applicant shall obtain a building permit prior to development on the property and 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.

The drawings submitted with the Building Permit application must, in the opinion of the planning and building department staff, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

Attachments:

1. Approved Site Plan Drawing – prepared by Lockwood Brothers Construction, Sheet A12, dated April 09, 2025.

Reasons for Decision:

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 Townships 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 semi-detached dwelling and proposed ARU's in each half of the dwelling is in-keeping with the policies of the Township's Official Plan, subject to obtaining a severance to sever along the common party wall prior to the establishment of the ARU's.

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

The property is zoned Residential Second Density (R2) in Zoning By-Law Number 2022-37. The semi-detached dwelling developed full municipal services is a permitted use in the (R2) zone.

A portion of the neighbouring garage (14 Adelaide Street) encroaches into the rear yard. The encroaching structure may remain and is considered non-complying regarding setbacks to the rear and side lot lines however, it is the intent of the Zoning By-Law that the structure will eventually be relocated or replaced in the future to be located entirely on the neighbouring lot thus, removing the encroachment.

Any encroaching structures on the subject property shall be treated as a structure and will be calculated as part of the lot coverage and comply with other requirements of the R2 zone.

The R2 zone requires a maximum lot coverage requirement of 30%. The proposed semi-detached dwelling and deck will occupy a lot coverage of 40% however the encroaching detached garage occupies an additional 5%. The applicant requests a variance to increase the maximum lot coverage requirement from 30% to 46% to permit the construction of the semi-detached dwelling.

It is staff's opinion that the proposed semi-detached dwelling and its variance is applied to the subject property and if the lot is separated to accommodate the ARU's and provide separate and distinct title to either half of the semi-detached dwelling, that the two lots will be treated as one for the purposes of variance.

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

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 proposal is in keeping with the "More Homes Built Faster" policy changes made by the Provincial Government and will support intensification on existing lots in a settlement area.

The proposal will have frontage on an open and maintained Township Road and will make use of existing municipal water and sanitary services in the Village of Cardinal.

A building permit is required prior to the construction of the dwelling.

The requested variance will result in additional housing units in the Village of Cardinal which is consistent with the PPS and Official Plan policies.

The proposed increase in the maximum lot coverage requirement will accommodate the construction of a semi-detached dwelling on a lot within the settlement area of the Village of Cardinal. The proposal will utilize existing municipal services while providing a mixture of housing types to the community. Two additional residential units are proposed once the structure is built and severed along the common party wall which will provide two additional units to the housing stock.


The proposal complies with the minimum front, side and rear yard setback requirements and parking for each unit will be located within the front yard. Access to the rear yard for each half of the semi-detached units will be provided along the east and west side yards. A 7 metre rear yard depth is maintained for outdoor amenity space however a portion of the neighbours garage encroaches into the rear yard resulting in a portion of the rear yard for the eastern unit with a depth of 3.6 metres. It is the intent of the encroaching structure to comply with by-law requirements when relocated or rebuilt entirely on the neighbours property.

Removal of the detached garage will result in undo hardship for the neighbour and moving the structure is not an option as a result of the construction of the structure.

The applicant has demonstrated that development will be functional for the residential use and will comply with the remaining requirements of the R2 zone, therefore the proposal is considered to be desirable for and appropriate for development for the subject lot.


Stephanie Summers (chair)


Donald Gibson


Tim Nason

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)

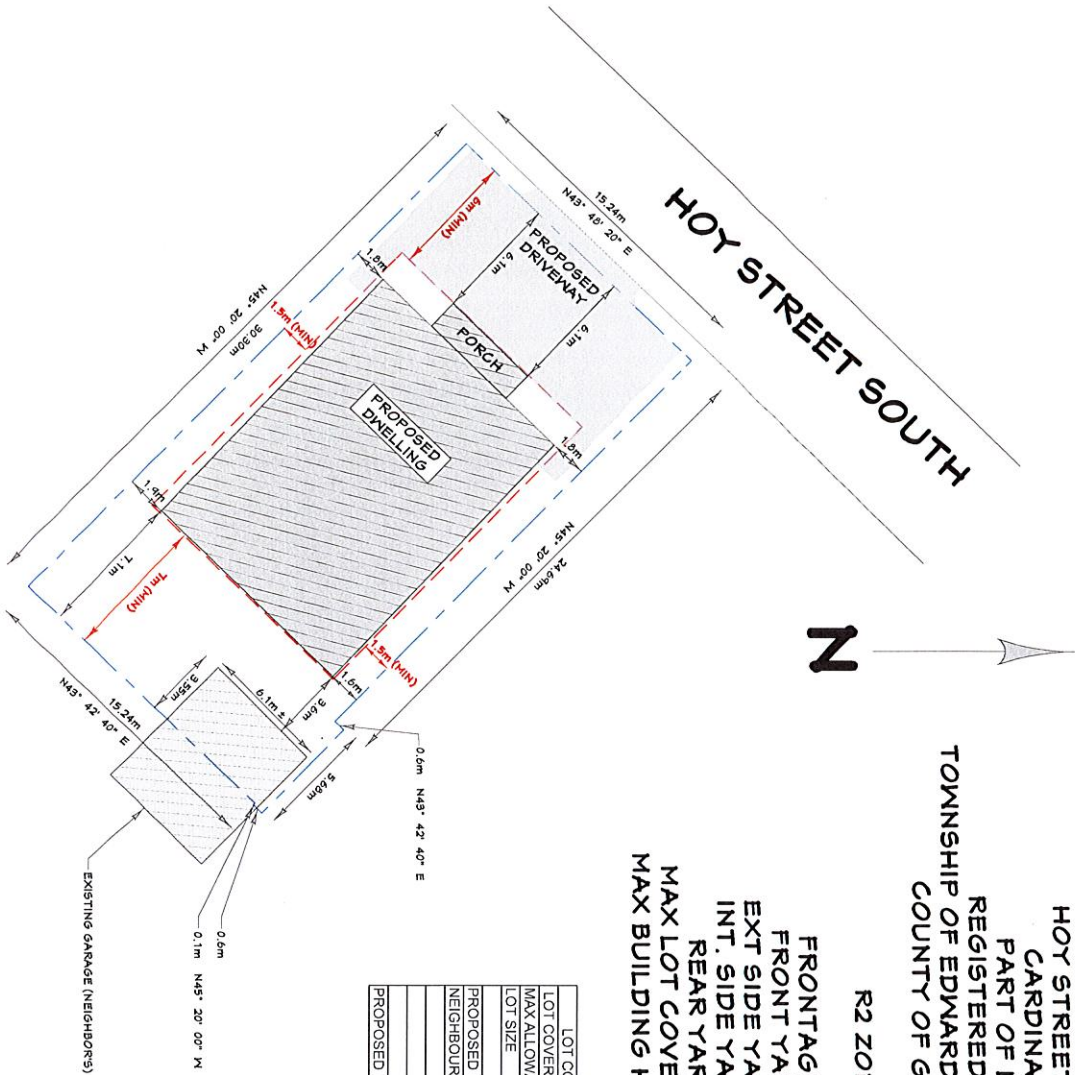
CERTIFICATION

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 5th day of June, 2025



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



PLAN 15R-12445
HOY STREET SOUTH
CARDINAL, ON
PART OF LOT 41
REGISTERED PLAN 42
TOWNSHIP OF EDWARDSBURGH/CARDINAL
COUNTY OF GRENVILLE

R2 ZONE

FRONTAGE: 18m
FRONT YARD: 6m
EXT. SIDE YARD: 4.5m
INT. SIDE YARD: 1.5m
REAR YARD: 7m
MAX LOT COVERAGE: 30%
MAX BUILDING HEIGHT: 10m

LOT COVERAGES HOY STREET
LOT COVERAGE R2 ZONE
MAX ALLOWABLE COVERAGE
LOT SIZE
PROPOSED DWELLING & DECK
NEIGHBOUR'S GARAGE
LOT COVERAGE =
PROPOSED LOT COVERAGE

Lockwood Brothers
CONSTRUCTION

The undersigned has reviewed and bears responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Building Code.

JOHN BRYK
NAME SIGNATURE
LOCKWOOD BROTHERS CONSTRUCTION
CUSTOMER:
HOY STREET
DRAWING NO. 2025-005

DRAWING NAME: SITE PLAN
SCALE: Sheet #
DATE: APR 04, 2025 A12