

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

COMMITTEE:

Committee of Adjustment

APPLICATION TYPE

Minor Variance

Section 45 of the *Planning Act*

FILE NO.

A-04-26

PROPERTY LOCATION:

1427 County Road 2

PROPERTY DESCRIPTION:

Concession 1, Part Lot 14

ROLL NUMBER:

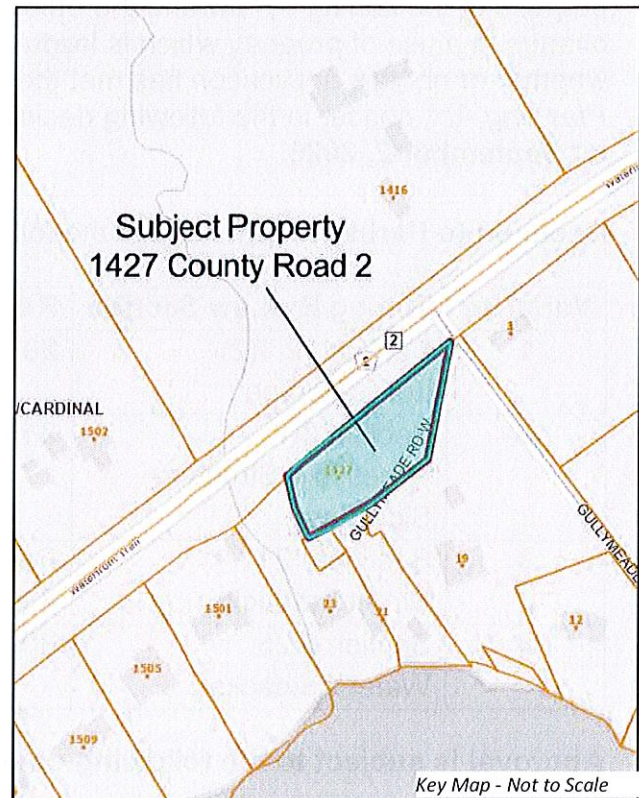
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OWNER/ APPLICANT:

Markus and Ginette Streit

AGENT:

Jeremy McMullen, Precision Home Design

**PROPOSAL AND PURPOSE OF THE APPLICATION:**

The purpose and effect of Minor Variance Application A04-26 is to obtain relief from the provisions of Zoning By-Law Number 2022-37, to construct a two storey addition to the north side of the existing one storey detached garage and add a carport to the western side.

The owner/applicant provided a revised drawing dated 2026-08-31, which complies with the minimum front yard setback requirement, therefore a variance is no longer requested from the front yard setback requirement. All other requested variances still apply.

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 Approve₁ for the following variances (as amended):

Variance	Zoning By-Law Section	Requirement	Proposal
1	Section 12.1(2) Lot Coverage	20% (max)	20.4%
2	Section 3.1 Accessory Structure Side Yard	3 metres (min)	0.3 metres
3	Section 3.21 Street Setbacks	Private Lane/ Right-of-Way 6 metres (min) from limit of ROW	0.1 metres
4	Section 3.25 Water Setbacks	30 metres (min)	3 metres,

Approval is subject to the following conditions:

1. **Limitation:** That the approved minor variance applies only to detached garage and carport as per the revised concept plan, dated 2026-08-31, attached to the notice of decision, 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 Precision Home Design, dated 2026-08-31

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.

The existing and continued residential use of the subject property, developed with private on-site well and sewage disposal system complies with the general intent of the Rural policies.

The subject property is located within 100 metres of the St. Lawrence River and is adjacent to a tributary which drains into the St. Lawrence River (Drivers Creek).

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

According to SNC mapping, the subject property is not within a floodplain, however; a floodplain is located on the abutting lot to the south.

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.

The subject property abuts a County Road which requires the review of County and ensure minimum requirements are complied with. The location of the garage would appear to comply with the minimum setback from a County Road however; due to the steep grade between the County Road and the proposed garage, the county will require the review and approval of any grading or embankment improvements to ensure stability of County Road 2.

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

The subject property is zoned Rural (RU) Zone in Zoning By-Law Number 2022-37, as amended.

The RU zone permits a single-detached dwelling. The existing single family dwelling and accessory structures/ uses are permitted uses.

The owner/applicant initially requested a reduction in the minimum front yard setback however their plan was amended (see revised sketch dated 2026-08-31) as the requested variance was not supported by staff. All remaining requested variances remain.

A variance is required to reduce the minimum side yard setback of an accessory structure from the western lot line from 3 metres to 0.3 metres for the carport which is attached to the proposed and existing garage. The 0.3 metre setback will only be required at the northwest corner of the structure as it is the closest point to the western lot line. The front of the carport located adjacent to Gullymeade Rd W will be setback 1.2 metres which is in keeping with the minimum setback of 1 metre for accessory structures located within designated settlement areas in the Official Plan.

The proposed setback will accommodate for drainage, grading and eave/ eavestrough. The carport and garage addition will not encroach into the abutting property or into the private lane.

A variance is required to increase the maximum percentage of lot coverage (ground floor area) in the RU zone from 20% to 20.4% which is for all structures on the lot. The applicant is requesting a 0.4% increase which is considered a minor increase when reviewing the proposed structure and the existing development.

The location of the carport is adjacent to a private lane (Gullymeade Rd W), which requires a setback from a private road (right-of-way) of 6 metres. The applicant is proposing 0.1 metres which will accommodate the eave and eavestrough overhangs.

The existing garage currently encroaches into the private lane and has non-conforming status. Non-conforming structures are to comply with current requirements overtime. A variance is not required.

The proposal is adjacent to Drivers Creek to the west which is a tributary which flows into the St. Lawrence River. SNC confirmed no floodplain however a minimum setback of 30 metres is required for all structures from a waterbody. Since this creek sustains water on a year round basis, a variance is required to recognize a 3 metre setback. The proposed reduction in the water setback will not appear to have any negative impacts on the waterbody. The owner shall ensure that drainage from the structure and lot grading does not impact the abutting lot to the west or the watercourse.

3. Is the application minor in nature?

The proposal as amended by staff, maintains the rural character of the area, is in keeping with the existing development along County Road 2 and Gullymeade Rd W 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 second floor on the garage addition will provide secure access to the structure from the dwelling in the front yard and will provide storage space for residential items.

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 and carport, subject to staffs amendment is desirable and appropriate development on the subject lot and is in keeping with the existing development along County Road 2 and Gullymeade Rd W.

The amended location of the garage will not encroach or interfere with the traffic along County Road 2 or the private lane and will provide covered and indoor storage of household items and vehicles. 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

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