



**AGENDA
COMMITTEE OF ADJUSTMENT**

**Tuesday, January 14, 2025, 4:00 PM
Corporation of The Township of Edwardsburgh Cardinal
Council Chambers, Spencerville Ontario**

The Township of Edwardsburgh Cardinal is situated on traditional territory of Indigenous peoples dating back countless generations, which is rich in history and home to many First Nations, Métis and Inuit people today.

As a Township, we have a responsibility for the stewardship of the lands on which we live, work and play, and today, this meeting place is still home to Indigenous people, and we are grateful to have the opportunity to work on and call this land home.

- 1. Welcome and Introductions**
- 2. Disclosure of Pecuniary Interest or Conflict of Interest & the General Nature Thereof**
- 3. Review and Discussion of Minor Variance**
 - a. Proposal details
 - b. Public comment
 - c. Committee review and decision
- 4. Decision on Minor Variance**
- 5. Adjournment**



Township of Edwardsburgh Cardinal
Report to the Committee of Adjustment

Public Meeting Date: January 14, 2025

Application for Minor Variance A-03-24

Property Location: 2302 Ventnor Road

Property Description: Part of Lots 22 and 23, Concession 8

Roll Number: 070170105000903

Owner: Robert and Mary Craddock

Agent: iN Engineering + Surveying

Purpose and effect: The purpose of this application is to obtain relief from the Rural (RU) Zone in the Township Zoning Bylaw Number 2022-37.

The effect of the requested variance will reduce the minimum frontage requirement from 45 metres to 20 metres, as a requirement to satisfy conditions of provisional approval of severance applications B-74-24 and B-75-24 for the retained parcel.

Background: The subject property is an 8.4-hectare parcel of land with road frontage on County Road 44 and Ventnor Road. Two severance applications were conditionally approved by the consent granting authority on November 7, 2024.

Application B-74-24 is to create a 1.33-hectare parcel of land with 65 metres of road frontage on Ventnor Road. The Notice of Decision is attached to this report.

Application B-75-24 is to create a 2.38-hectare parcel of land with 67.2 metres of road frontage on Ventnor Road and 261 metres of road frontage on County Road 44. The Notice of Decision is attached to this report.

The retained parcel of land will be a 4.77-hectare parcel of land with 20 metres of road frontage on Ventnor Road and 210 metres of road frontage on County Road 44.

Section 2.0 of the Zoning By-Law provides definitions and interpretations for provisions and its wording. The definition of the front lot line is as follows:

“FRONT LOT LINE shall mean the following:

- In the case of an interior lot, the line dividing the lot from the street;
- In the case of a corner lot or through lot, the shorter lot line abutting a street, or where access is gained to the lot regardless of the length of the line.
- In the case of a waterfront lot, the high-water mark shall be deemed to be the front lot line.”

The Consent Approval Authority applied a condition of provisional consent to obtain a variance to reduce the frontage of the retained lot to recognize the 20 metre road frontage as it is the shorter of the two road frontage and considered the front lot line.

Failure to satisfy a condition of provisional approval will result in the lapsing of the application and its provisional approval.

Site Characteristics: The subject property is located at 2302 Ventnor Road. The site is a corner lot, which abuts County Road 44 to the west and Ventnor Road to the south and is approximately 50 metres east of Highway 416.

The site is in the rural area of the township and is surrounded by single-detached dwellings to the north, east and west and undeveloped parcels of land to the south.

Current Policy and By-Law: The subject property is designated Rural in the County of Leeds and Grenville Official Plan and Rural Policy area in the Township of Edwardsburgh Cardinal Official Plan.

The property is zoned Rual (RU) in the Township of Edwardsburgh Cardinal Zoning By-Law Number 2022-37.

Provincial Planning Statement: Subsection 3(5) of the Planning Act requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Applying the four tests of a minor variance: The review of an application for minor variance is not a simple mathematical calculation, but rather a detailed assessment of

whether the variance or variances requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the Planning Act. The following provides this review:

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 Township of Edwardsburgh Official Plan and subject to the policies of Section 3.4. The goal of this 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.

Section 7.7.3 of our Official Plan, provides policies pertaining to the Committee of Adjustment stating that where existing or proposed uses that conform to the use provisions of the Zoning By-law implementing this Plan are non-complying with respect to performance standards, the Committee of Adjustment may authorize minor variances from the provisions of the implementing Zoning By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable for the appropriate development of the lands. The Township may, by by-law, establish additional criteria to be considered by the Committee of Adjustment in the review of minor variance applications.

Section 7.1 of our Official Plan provides the general policies for land division. 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 retained parcel of land meets the intent of this provision as the 4.77-hectare parcel of land will have dual road frontages on County Road 44 and Ventnor Road.

Section 5.3 of our Official Plan provides general policies for transportation. County Road 44 presently serves the Township and is under the jurisdiction of the United Counties of Leeds & Grenville. Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the United Counties of Leeds & Grenville. Through the severance application process, the County stated that they will not issue an entrance permit from County Road 44 and that access must be provided from Ventnor Road. The 20 metres road frontage on Ventnor Road will provide safe access to the retained parcel and is in keeping with lot fabric in the rural area.

The proposed reduced road frontage meets the general intent and purpose of the Official Plan.

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

The subject property is zoned Rural (RU) in the Township of Edwardsburgh Cardinal Zoning By-Law Number 2022-37. The Rural zone requires a minimum lot frontage of 45 metres.

A minimum frontage ensures that a property can be developed and used as intended with safe access and setbacks with minimal impacts on adjacent land uses.

The subject lot has adequate road frontage on Country Road 44; however, the County will not issue an entrance permit from the County Road. A 20 metre wide strip of land is provided which will permit an entrance to the retained lot from Ventnor Road.

The Zoning By-Law defines a front lot line as the shorter of two or more frontages. The 20 metre wide portion is the smallest frontage and therefore defined as the front lot line and its "frontage". Therefore, the variance is requested to reduce the minimum road frontage requirement for the retained parcel.

The proposed reduced road frontage meets the general intent of the Zoning By-Law.

3. Is the application minor in nature?

The proposed reduced road frontage will provide safe access from a township road and will not have any negative impacts on the development or continued use of the abutting lots. The reduction is not anticipated to have any negative impact on the streetscape or traffic on Ventnor Road. The variance is therefore considered minor in nature.

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

The requested variance will provide safe access from a township road to future development on the retained lot. The reduced road frontage along Ventnor Road is required as the County will not permit an entrance permit from County Road 44 regardless of the subject property having 210 metres of frontage on the County road. The variance is technical in matter as it will provide safe access from a township road and is therefore considered to be desirable for and appropriate for development on the retained parcel.

Financial Considerations: The applicant has submitted the required fee to the Township for the minor variance, in accordance with the Planning Fees Bylaw 2022-40.

Recommendation: That Committee approve minor variance application A-03-24 to permit a reduction in the minimum lot frontage requirement in the Rural (RU) zone, from 45 metres to 20 metres to satisfy the conditions of provisional approval for consent applications B-74-24 and B-75-24.



Tim Fisher
Municipal Land Use Planner



UNITED COUNTIES OF LEEDS AND GRENVILLE CONSENT GRANTING AUTHORITY

DECISION

APPLICATION B-74-24

We the undersigned members of the Consent Granting Authority of the United Counties of Leeds and Grenville; do hereby certify that the following is a decision reached by the Committee on **November 6, 2024**. The said decision was reached on the application of **Robert & Mary Craddock** to sever a parcel of land being; part of Lots 22 & 23, Concession 8; **Township of Edwardsburgh Cardinal** having dimensions of approximately 65 metres by 222.6 metres with an area of 1.33 hectares; retaining the existing easement/right-of-way for Hydro One.

DECISION: **GRANTED** providing the conditions as stated below are met.

REASONS:

Division of land is compatible with the intent and purpose of the Official Plan and meets the criteria in Section 51 (24) of the Planning Act providing conditions are met.

EFFECT OF WRITTEN SUBMISSIONS ON THE DECISION:

No written comments were submitted on this consent application to the approval authority.

CONDITIONS:

- (1) That all conditions imposed in the granting of this decision be met and one (1) original paper copy and one (1) digital copy of the deposited reference plan of the subject lands, which conforms substantially with the application as submitted, and the instrument relating to the transaction (deed/transfer, Service Ontario parcel register, grant of right-of-way, etc.) be presented to the Secretary-Treasurer of the Consent Granting Authority for the Certificate of Consent no later than **November 7, 2026**.
- (2) That a copy of the deposited survey be submitted to the Township.
- (3) The applicant provides South Nation Conservation (Septic Review) with a signed letter stating that all private sewage systems are a minimum of three (3) metres from proposed property lines.
- (4) That road widening across the severed and retained parcel to 13.1 metres from existing centerline of the road allowance of County Road 44 (if required) be conveyed to the Corporation of the United Counties of Leeds and Grenville. Should sufficient road allowance exist, a letter from a surveyor and confirmation of registration from a lawyer would meet the Counties' condition. If the current road allowance is within 0.5 m of the required width, this requirement may be waived based on a surveyor's confirmation email/letter and at the Counties discretion. The lands to be transferred for road widening purposes shall be free and clear of all encumbrances. The deed for this road widening is to be registered and submitted to the Consent Granting Authority prior to endorsement on the deed to the severed land.
- (5) That written release of condition 2 from the Township be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.
- (6) That written release of condition 3 from South Nation Conservation (Septic Review) be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.

NOTES:

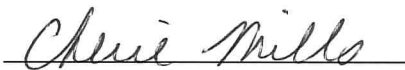
- (1) The Township had no objection providing condition 2 is complied with.
- (2) South Nation Conservation had no objection.
- (3) South Nation Conservation (Septic Review) had no objection providing condition 3 is complied with.
- (4) County Roads Department had no objection providing condition 4 is complied with.
 - No entrances will be granted on to County Rd 44. All entrances must be from the Township Road.
- (5) Hydro One Networks had no objection.

- (6) Ministry of Transportation had no objection.
- Please note that under the Public Transportation and Highway Improvement Act, the Ministry controls land use within 45 metres of the MTO right-of-way and 395 metres from the center-point of the highway intersection. Ministry approvals are required prior to the construction and/or alteration of any buildings and/or structures and prior to the issuance of any municipal building permits or approvals as per Section 8. (2) (a) of the Building Code Act. Permit applications can be submitted online using the Highway Corridor Management Online Services at HCMS - Highway Corridor Management System (gov.on.ca)

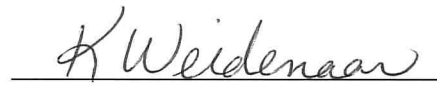
ADDITIONAL INFORMATION:

- You will be entitled to receive notice of any changes to the conditions of the provisional consent, if you have made a written request to be notified of changes to the conditions of the provisional consent.
- Only the applicant, the Minister, a specified person (under the Planning Act) or any public body (i.e. Municipality) may appeal a consent application to the Ontario Land Tribunal.
- Any appeal to the Ontario Land Tribunal must be received by the Secretary-Treasurer of the Consent Granting Authority at the United Counties of Leeds & Grenville no later than the appeal date of this notice and it must:
 - Set out the reasons for the appeal; and,
 - Be accompanied by the fee charged under the Ontario Land Tribunal Act.

I hereby certify this to be a true and exact copy



Chair



Secretary-Treasurer

This Decision was mailed on November 7, 2024

The last date for appealing this decision is November 27, 2024



UNITED COUNTIES OF LEEDS AND GRENVILLE CONSENT GRANTING AUTHORITY

DECISION

APPLICATION B-75-24

We the undersigned members of the Consent Granting Authority of the United Counties of Leeds and Grenville; do hereby certify that the following is a decision reached by the Committee on **November 6, 2024**. The said decision was reached on the application of **Robert & Mary Craddock** to sever a parcel of land being; part of Lots 22 & 23, Concession 8; **Township of Edwardsburgh Cardinal** having dimensions of approximately 67.2 metres by 173.8 metres (irregular) with an area of 2.38 hectares; retaining the existing easement/right-of-way for Hydro One.

DECISION: **GRANTED** providing the conditions as stated below are met.

REASONS:

Division of land is compatible with the intent and purpose of the Official Plan and meets the criteria in Section 51 (24) of the Planning Act providing conditions are met.

EFFECT OF WRITTEN SUBMISSIONS ON THE DECISION:

No written comments were submitted on this consent application to the approval authority.

CONDITIONS:

- (1) That all conditions imposed in the granting of this decision be met and one (1) original paper copy and one (1) digital copy of the deposited reference plan of the subject lands, which conforms substantially with the application as submitted, and the instrument relating to the transaction (deed/transfer, Service Ontario parcel register, grant of right-of-way, etc.) be presented to the Secretary-Treasurer of the Consent Granting Authority for the Certificate of Consent no later than **November 7, 2026**.
- (2) That a copy of the deposited survey be submitted to the Township.
- (3) That the Applicant/Owner obtain relief from the zoning bylaw, as necessary, to permit the deficient lot frontage for the retained lot.
- (4) The applicant provides South Nation Conservation (Septic Review) with a signed letter stating that all private sewage systems are a minimum of three (3) metres from proposed property lines.
- (5) That road widening across the severed and retained parcel to 13.1 metres from existing centerline of the road allowance of County Road 44 (if required) be conveyed to the Corporation of the United Counties of Leeds and Grenville. Should sufficient road allowance exist, a letter from a surveyor and confirmation of registration from a lawyer would meet the Counties' condition. If the current road allowance is within 0.5 m of the required width, this requirement may be waived based on a surveyor's confirmation email/letter and at the Counties discretion. The lands to be transferred for road widening purposes shall be free and clear of all encumbrances. The deed for this road widening is to be registered and submitted to the Consent Granting Authority prior to endorsement on the deed to the severed land.
- (6) That written release of conditions 2 and 3 from the Township be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.
- (7) That written release of condition 4 from South Nation Conservation (Septic Review) be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.

NOTES:

- (1) The Township had no objection providing conditions 2 and 3 are complied with.
- (2) South Nation Conservation had no objection.
- (3) South Nation Conservation (Septic Review) had no objection providing condition 4 is complied with.
- (4) County Roads Department had no objection providing condition 5 is complied with.
 - No entrances will be granted on to County Rd 44. All entrances must be from the Township Road.
- (5) Hydro One Networks had no objection.

- (6) Ministry of Transportation had no objection.
- Please note that under the Public Transportation and Highway Improvement Act, the Ministry controls land use within 45 metres of the MTO right-of-way and 395 metres from the center-point of the highway intersection. Ministry approvals are required prior to the construction and/or alteration of any buildings and/or structures and prior to the issuance of any municipal building permits or approvals as per Section 8. (2) (a) of the Building Code Act. Permit applications can be submitted online using the Highway Corridor Management Online Services at HCMS - Highway Corridor Management System (gov.on.ca)

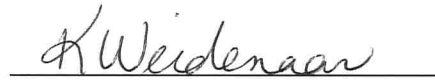
ADDITIONAL INFORMATION:

- You will be entitled to receive notice of any changes to the conditions of the provisional consent, if you have made a written request to be notified of changes to the conditions of the provisional consent.
- Only the applicant, the Minister, a specified person (under the Planning Act) or any public body (i.e. Municipality) may appeal a consent application to the Ontario Land Tribunal.
- Any appeal to the Ontario Land Tribunal must be received by the Secretary-Treasurer of the Consent Granting Authority at the United Counties of Leeds & Grenville no later than the appeal date of this notice and it must:
 - Set out the reasons for the appeal; and,
 - Be accompanied by the fee charged under the Ontario Land Tribunal Act.

I hereby certify this to be a true and exact copy



Chair



Secretary-Treasurer

This Decision was mailed on November 7, 2024

The last date for appealing this decision is November 27, 2024

TRAVELLED ROAD
HIGHWAY 4/6

COUNTY ROAD 44

±210

PIN 68139014

RETAINED
AREA = 4.77 HA
(11.80 ACRES)

PIN 68139015

PART 1
PLAN IS R 8674

±303.4

±239.2

SEVERANCE 2
FILE NO B-75-24
AREA = 2.38 HA
(5.90 ACRES)

PIN 681390033

Part 7
EXISTING PROPOSED
APPROXIMATE PLAN NO. 121

±226.3

PART 1
PLAN IS R 8388

±35.8

VENTNOR ROAD

Requested Variance

±39.5

±21.7

±20

±65

SEVERANCE 1
FILE NO. B-74-24
AREA = 1.33 HA
(3.30 ACRES)

PART 2
PLAN IS R 8674

±173.8

±222.6

PART 1
PLAN IS R 5748

PIN 68139011

PIN 68139012

LOT 23

LOT 22

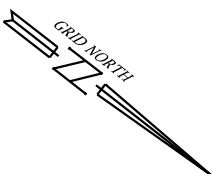
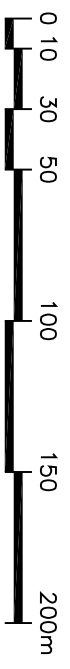
CONCESSION 8

PIN 68139012

PIN 681390561

SKETCH FOR MINOR VARIANCE APPLICATION

SCALE = 1 : 2500



NOTES:

DIMENSION AND INFORMATION SHOWN DERIVED FROM PARTS 1, 2 & 3 OF PLAN 15R-8674. DISTANCES SHOWN HEREON ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
THE SUBJECT PROPERTY IS PART OF LOTS 22 & 23 CONCESSION 8 IN THE GEOGRAPHIC TOWNSHIP OF EDWARDSBURGH IN THE TOWNSHIP OF EDWARDSBURGH/CARDINAL, COUNTY OF GRENVILLE LOCATION OF EXISTING BUILDINGS AND ACCESS DERIVED FROM GIS MAPPING AND ARE APPROXIMATE.

CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK
THIS SKETCH IS PROTECTED BY COPYRIGHT IN SURVEYING 2023

SITE STATISTICS - RU (RURAL ZONE)

	REQUIRED	PROPOSED
SITE AREA	0.4HA	4.7HA
FRONTAGE	45M	20M (Ventnor Rd. for access) 210M (County Rd. 44)



ENGINEERING + SURVEYING
9 KING ST. W., SUITE #203 - BROCKVILLE, ONTARIO - K6V 3P7
TEL. 613-342-2611
E-MAIL : info@ineng.ca
www.inengineering.ca

COMPLETED ON
JULY 18, 2024

DRN. BY
T.G.

FILE NO.
12021