



**AUGUSTA TOWNSHIP
AGENDA
COMMITTEE OF ADJUSTMENT MEETING
August 13, 2025 at 03:00 PM
Municipal Office, 3560 County Road 26**

1. Call to Order

If any person (other than the applicant) wishes to receive further notice on an application, please leave your name and address with the Secretary-Treasurer.

2. Approval of Agenda

3. Disclosure of Pecuniary Interest and General Nature Thereof

4. Approval of Minutes of Previous Meeting

5. Applications

5.1 Application A03/25 (Collette) - 3925 Cedar Grove Road

- Notice of Hearing
- Comments received
 - Letter from neighbour, L. Syros, 3923 Cedar Grove Rd., dated August 5, 2025
 - Email from Karen Morrell, CBO dated August 6, 2025
 - Email from Laura Crites, South Nation Conservation dated August 1, 2025 advising of no comments or objections (not attached)
- Staff Report

6. Correspondence

- Committee of Adjustment Terms of Reference

7. Adjournment

AUGUSTA TOWNSHIP
MINUTES
COMMITTEE OF ADJUSTMENT MEETING
March 5, 2025 at 11:00 a.m.

Item 4.

PRESENT

Klaas Bolt, Lisa Severson, Glenn Mackey

STAFF PRESENT

Melissa Banford - Secretary-Treasurer/Planner, Jessica Linn, Planning Coordinator

REGRETS

1. Call to Order

Chair Lisa Severson called the meeting to order at 11:00 a.m.

2. Approval of Agenda

Moved by Glenn Mackey, seconded by Klaas Bolt

THAT the Committee approve the meeting agenda as presented.

Motion: Carried

3. Approval of Minutes of Previous Meeting – September 20, 2024

Moved by Klaas Bolt, seconded by Glenn Mackey

THAT the Committee approve the Minutes of the previous meeting as presented.

Motion: Carried

4. Disclosure of Pecuniary Interest – None

5. Applications

• **Application A01/25, 1319 County Road 2**

The agent and the property owner were in attendance

The Planner summarized the application for the Committee and comments received to date including:

- Email from Laura Crites, Planner, SNC, dated March 4, 2025
- Letter from Neighbour at 1325 County Rd 2, dated March 4, 2025
- Staff Report by Melissa Banford, Planner, dated March 5, 2025.

The Chair opened the floor to the agent and property owner. The agent expressed that they agree with the Planner's report.

The Committee discussed the sought variance and concurred with the Planner's report.

The Committee was in favour of the application and granted approval and the decision was signed, subject to **one (1) condition** and **one (1) note**:

Condition:

- 1) That if any significant archaeological resources (as defined in the Provincial Policy Statement 2020 to include artefacts, archaeological sites, marine archaeological sites as defined under the *Ontario Heritage Act*) are unearthed as a result of the development or site alteration, it is the responsibility of the owner/their contractor that it be reported to the Ministry of Citizenship and Multiculturalism (MCM) and to the Township offices; and if a burial site containing human remains is unearthed, it is the responsibility of the owner/their contractor that they immediately notify the Township and other appropriate authorities (e.g. police, coroner's office, and/or Registrar of Cemeteries) and comply with the *Funeral, Burial and Cremation Services Act*.

Note:

- 1) It is the owners' responsibility to ensure no off-site impact with respect to drainage/roof runoff.

- **Application A02/25, 1531 County Road 2**

The applicant, Nyssa Trip was in attendance.

The Planner summarized the application for the Committee and comments received to date including:

- Staff Report by Melissa Banford, Planner, dated March 5, 2024

The Chair opened the floor to the applicant. The applicant spoke on the application and provided a sketch of potential changes for the Planner to review.

The Committee discussed the application and concurred with the staff report.

The Committee was all in favour of the application and granted approval and the decision was signed, subject to **one (1) note:**

Note:

- 1) The existing 384 sq.m. (4,133.5 sq.ft.) +/- accessory building/barn structure is permitted to be used for residential accessory hobby farm use, however, only a maximum area of 10 sq.m. (107.6 sq. ft.) can be used for the housing of livestock. Should an area greater than 10 sq.m. be proposed for livestock from within this existing barn, Minimum Distance Separation (MDS) will need to be assessed and met.

6. Adjournment

Moved by Klaas Bolt

BE IT RESOLVED THAT this Committee do now adjourn at 11:20 a.m. until the call subject to need.

Motion: Carried

AUGUSTA TOWNSHIP

Item 4.

Lisa Severson, Chair

Melissa Banford, Sec-Treasurer

Attached – Decision A01/25
Decision A02/25



**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION APPLICATION**
(Section 45 of the Planning Act)

Application No.: A01/25
Owner(s): David & Christine Chartrand
Subject Property: 1319 County Road 2
Legal Description: Con. 1, Pt. Lot 27

Notice was given and a Public Hearing was held on **Wednesday, March 5, 2025** as required by the *Planning Act*.

LOCATION

The subject property is located in Part Lot 27, Concession 1 (Current Assessment Roll 0706 000 035 03200), addressed as 1319 County Road 2. A detached garage, with a storage loft area, is proposed which is oversized and at a greater height than what the current zoning by-law permits. A minor variance application has been filed to seek relief from these zone provisions.

PURPOSE OF THE APPLICATION

The property is zoned RW, Waterfront Residential Zone, under current Zoning By-law 2965, as amended. Relief is requested as follows:

- **Section 6.1.1, Accessory Buildings, Structures and Uses (7th provision/bullet point)**, where the maximum gross floor area of any accessory building may not exceed 100 sq.m. (1,076 sq.ft.) in a residential zone where a new proposed one storey detached garage/storage building would be 180.6 sq.m. (1944 sq.ft.) +/- in size.

-**Section 7.4.2, Accessory Buildings, Maximum Building Height**, where a maximum height of 5 m (16.4 ft.) is permitted for an accessory building and the proposed detached garage, with storage loft area, will have a height of 7.85 m (25.75 ft.) +/- (mean height).

We, the undersigned members of the Committee of Adjustment of the Township of Augusta do hereby certify that, in making the following decision under Subsection 45(8) of the *Planning Act* upon the hearing of this Application, including all materials submitted by the public / owner / agent / planner and have taken due regard to the requirements set out in Section 45(1) and Section 45(2) of the *Planning Act*. The following decision was reached at a Hearing on Wednesday, March 5, 2025:

DECISION: Application A01/25 is **APPROVED** with one (1) Condition and one (1) Note:

Condition:

- 1) That if any significant archaeological resources (as defined in the Provincial Policy Statement 2020 to include artefacts, archaeological sites, marine archaeological sites as defined under the *Ontario Heritage Act*) are unearthed as a result of the development or site alteration, it is

the responsibility of the owner/their contractor that it be reported to the Ministry of Citizenship and Multiculturalism (MCM) and to the Township offices; and if a burial site containing human remains is unearthed, it is the responsibility of the owner/their contractor that they immediately notify the Township and other appropriate authorities (e.g. police, coroner's office, and/or Registrar of Cemeteries) and comply with the *Funeral, Burial and Cremation Services Act*. Item 4.

Note:

- 1) It is the owners' responsibility to ensure no off-site impact with respect to drainage/roof runoff.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON APPLICATIONS

A written submission was received from South Nation Conservation (SNC) advising of no objection to the application. SNC noted in their comments that a regulation permit under Ont. Reg. 41/24 would be required for the proposed demolition and rebuild of the dwelling.

The Committee received a planning Staff Report prepared on the application.

The Committee also received a letter of objection from the abutting neighbour to the east, 1325 County Road 2. The letter stated that they object to the building being construed at a greater size than the Zoning By-law permits but it was not clear from the letter the exact nature of the neighbour's concerns. The Committee noted that the proposed garage would be located a significant distance from the dwelling at 1325 County Road 2, should not result in any impacts with respect to drainage, shadowing or egress for the lot at 1325 County Road 2. The Committee speculated that the concern may relate impact of the river view. Planning staff advised that the Township's solicitor had previously confirmed that there is no legal right to a view. The Committee was satisfied that there does not appear to be any negative impact.

The Committee reviewed and considered the submissions in making the decision on this application. The effect of the comments was that they informed the Committee of the various additional public interests surrounding the subject application.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

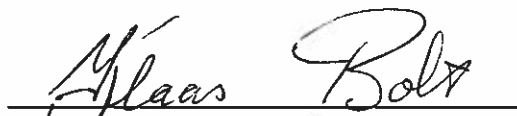
The Minor Variance Application is Approved with one (1) Condition and one (1) Note.

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURES

Klaas Bolt, Member



Glenn Mackey, Member



Lisa Severson, Member



DECISION DATE: **Wednesday, March 5, 2025**

DECISION CIRCULATED ON: **Thursday, March 6, 2025**

DEADLINE FOR AN APPEAL: **Monday, March 25, 2025**

RIGHT TO APPEAL TO THE ONTARIO LAND TRIBUNAL

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 Ontario Land Tribunal against the Decision of the Committee.

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 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 Augusta Township as the Approval Authority, or by mail at 3560 County Road 26, Prescott, ON KOE 1T0, **no later than 4:30 p.m. on March 25, 2025**. 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 \$400.00 (fee for a private citizen, a registered charity or a non-profit ratepayers' association) 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 (OL T) or request a fee reduction for an appeal, forms are available from the OL T website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to lveltkamp@augusta.ca.

On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the Secretary-Treasurer of the Committee and to such other persons or public bodies and in such manner as the Tribunal may determine.

IF NO APPEAL IS MADE within twenty (20) days, the decision of the Committee is final and the Secretary-Treasurer shall notify the applicant.

CERTIFICATION OF TRUE COPY

I, Melissa Banford, Secretary-Treasurer to the Committee of Adjustment for the Township of Augusta, hereby certify that this is a true and exact copy of the decision of the Committee of Adjustment as decided on March 5, 2025.



Melissa Banford

Secretary-Treasurer to the Committee of Adjustment

Township of Augusta
3560 County Road 26, Prescott, ON KOE 1T0
Tel: (613) 925-4231
Email: mbanford@augusta.ca



**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION APPLICATION**
(Section 45 of the Planning Act)

Application No.: A02/25
Owner(s): Nyssa Trip
Subject Property: 1106 County Road 2
Legal Description: Con. 1, Pt. Lot 36 & 37

Notice was given and a Public Hearing was held on **Wednesday, March 5, 2025** as required by the *Planning Act*.

LOCATION

The subject property is located in Part Lot 36 & 37, Concession 1 (Current Assessment Roll 0706 000 065 18400), addressed as 1106 County Road 2.

The property is the subject of current severance application B-140-24 filed with the United Counties of Leeds and Grenville Consent Granting Authority.

Under B-140-24, the existing dwelling and accessory structures at 1106 County Road 2 are proposed to be severed as a 2 ha (4.4 ac.) +/- residential use lot. A 49 ha (121 ac.) +/- vacant lot is proposed to be retained under this application.

There is an existing barn structure on the severed lands which is currently used/intended to be converted for primarily residential accessory storage use. As this existing building exceeds the maximum building size and height for a residential accessory building in the RU, Rural Zone, relief is required. This is a recommended condition of approval on Severance B-140-24 by the Township.

PURPOSE OF THE APPLICATION

The property is zoned RU, Rural Zone, under current Zoning By-law 2965, as amended.

Relief is requested as follows:

- **Section 6.1.1, Accessory Buildings, Structures and Uses (7th provision/bullet point)**, where the maximum gross floor area of any accessory building may not exceed 300 sq.m. (3,230 sq.ft.) in a non-residential zone and where the existing accessory building has a gross floor area of 384 sq.m. (4,133.5 sq.ft.) +/-.

-**Section 7.17.2, Accessory Buildings, Maximum Building Height**, where a maximum height of 6.5 m (21.3 ft.) is permitted for an accessory building and the existing two (2) storey accessory building has a height of 15 m (49.5 ft.) +/-.

We, the undersigned members of the Committee of Adjustment of the Township of Augusta do hereby certify that, in making the following decision under Subsection 45(8) of the *Planning Act* upon the hearing of this Application, including all materials submitted by the public / owner / agent / planner and have taken due regard to the requirements set out in Section 45(1) and Section 45(2) of the *Planning Act*. The following decision was reached at a Hearing on Wednesday, March 5, 2025:

DECISION: Application A02/25 is **APPROVED** with one (1) Note:

Note:

- 1) The existing 384 sq.m. (4,133.5 sq.ft.) +/- accessory building/barn structure is permitted to be used for residential accessory hobby farm use, however, only a maximum area of 10 sq.m. (107.6 sq. ft.) can be used for the housing of livestock. Should an area greater than 10 sq.m. be proposed for livestock from within this existing barn, Minimum Distance Separation (MDS) will need to be assessed and met.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON APPLICATIONS

In deciding on this application, the Committee received and considered the planning Staff Report.

No other written submissions were received on this application.

The Committee noted that this was an existing building with no anticipated negative impact. The Committee also noted that no comments or concerns were received on the application. They concurred that they were satisfied that public interests surrounding the subject application had been considered.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

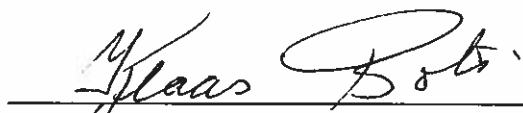
The Minor Variance Application is Approved with one (1) Note.

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURES

Klaas Bolt, Member



Glenn Mackey, Member



Lisa Severson, Member



DECISION DATE: **Wednesday, March 5, 2025**

DECISION CIRCULATED ON: **Thursday, March 6, 2025**

DEADLINE FOR AN APPEAL: **Monday, March 25, 2025**

RIGHT TO APPEAL TO THE ONTARIO LAND TRIBUNAL

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 Ontario Land Tribunal against the Decision of the Committee.

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 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 Augusta Township as the Approval Authority, or by mail at 3560 County Road 26, Prescott, ON K0E 1T0, **no later than 4:30 p.m. on March 25, 2025**. 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 \$400.00 (fee for a private citizen, a registered charity or a non-profit ratepayers' association) 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 (OL T) or request a fee reduction for an appeal, forms are available from the OL T website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to veltkamp@augusta.ca.

On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the Secretary-Treasurer of the Committee and to such other persons or public bodies and in such manner as the Tribunal may determine.

IF NO APPEAL IS MADE within twenty (20) days, the decision of the Committee is final and the Secretary-Treasurer shall notify the applicant.

CERTIFICATION OF TRUE COPY

I, Melissa Banford, Secretary-Treasurer to the Committee of Adjustment for the Township of Augusta, hereby certify that this is a true and exact copy of the decision of the Committee of Adjustment as decided on March 5, 2025.



Melissa Banford
Secretary-Treasurer to the Committee of Adjustment

Township of Augusta
3560 County Road 26, Prescott, ON K0E 1T0
Tel: (613) 925-4231
Email: mbanford@augusta.ca



**COMMITTEE OF ADJUSTMENT
NOTICE OF A PUBLIC HEARING
Under Section 45 of the *Planning Act***

**MINOR VARIANCE APPLICATION A03/25
3925 Cedar Grove Road
Con. 2, Pt. Lot 1, Part 2, Reference Plan 15R-7323**

**To be held on Wednesday, August 13, 2025 at 3:00 p.m.
at the Augusta Township – Council Chambers
3560 County Road 26, Maynard, Ontario, K0E 1T0**

LOCATION

The subject property is located in Con. 2, Pt. Lot 1, Part 2, Reference Plan 15R-7323 (Current Assessment Roll 0706 000 010 03200), addressed as 3925 Cedar Grove Road. A 206 sq.m. (676 sq.ft.) +/- attached carport is proposed onto the east side of the existing residential dwelling.

Refer to the **attached** Location Map of the subject property and Site Sketch of the proposed attached carport location.

PURPOSE OF THE APPLICATION

The property is zoned RU, Rural Zone, under current Zoning By-law 2965, as amended. Relief is requested as follows:

- **Section 7.17.2, Other Uses - Minimum Yard Requirements (Main Building)** where a minimum front yard setback of 10 m (32.8 ft.) is required and 7.62 m (25 ft.) +/- is proposed to the front property line.
- **Section 7.17.2, Other Uses - Minimum Yard Requirements (Main Building)** where a minimum interior side yard setback of 3 m (9.8 ft.) is required and 0.91 m (3 ft.) +/- is proposed to the east property line.

YOU ARE BEING CIRCULATED THIS NOTICE as you are the subject property owner/agent, or you are an assessed property owner within the prescribed circulation distance of the subject property, or a body to be circulated under the *Planning Act*, *R.S.O.* and related regulation (Ontario Regulation 200/96).

YOU ARE ENTITLED TO ATTEND the Committee of Adjustment Public Hearing concerning this application and offer verbal comments regarding the application and/or offer any written comments directly to the Committee at the hearing. If attending the hearing in person, the Committee asks that any presentations be limited to five (5) minutes or less, noting that exceptions to this will be at the discretion of the Committee Chair at the hearing. *Should you wish to attend the meeting virtually, please contact the*

Township at least one (1) day ahead of the meeting so arrangements may be made to accommodate you.

IF YOU DO NOT ATTEND this Public Hearing, it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceedings. If you do not plan to attend, but have specific comments regarding this application, you may submit a letter to the Committee c/o Secretary-Treasurer of the Committee of Adjustment at the below mailing or email address shown below, **by 12:00 p.m. on the hearing date**, to ensure comments are received in time.

A COPY OF THE DECISION of the Committee will be sent to the applicant/agent, and to each person who appeared in person or who was represented at the Public Hearing AND who file a written request to receive the Decision with the Secretary-Treasurer.

ADDITIONAL INFORMATION regarding this application is available to the public for viewing at the Township of Augusta municipal building at 3560 County Road 26, Maynard, Ontario between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday; or you may contact the Secretary-Treasurer/Planner at 613-925-4231, ext. 104 or via email to mbanford@augusta.ca. The mailing address is Township of Augusta, 3560 County Road 26, R.R. #2, Prescott, ON K0E 1T0

DATED: July 31, 2025
Melissa Banford, Secretary-Treasurer
Committee of Adjustment
Township of Augusta

Attached - Location Map and Site Sketch.

A03/25 – SITE SKETCH

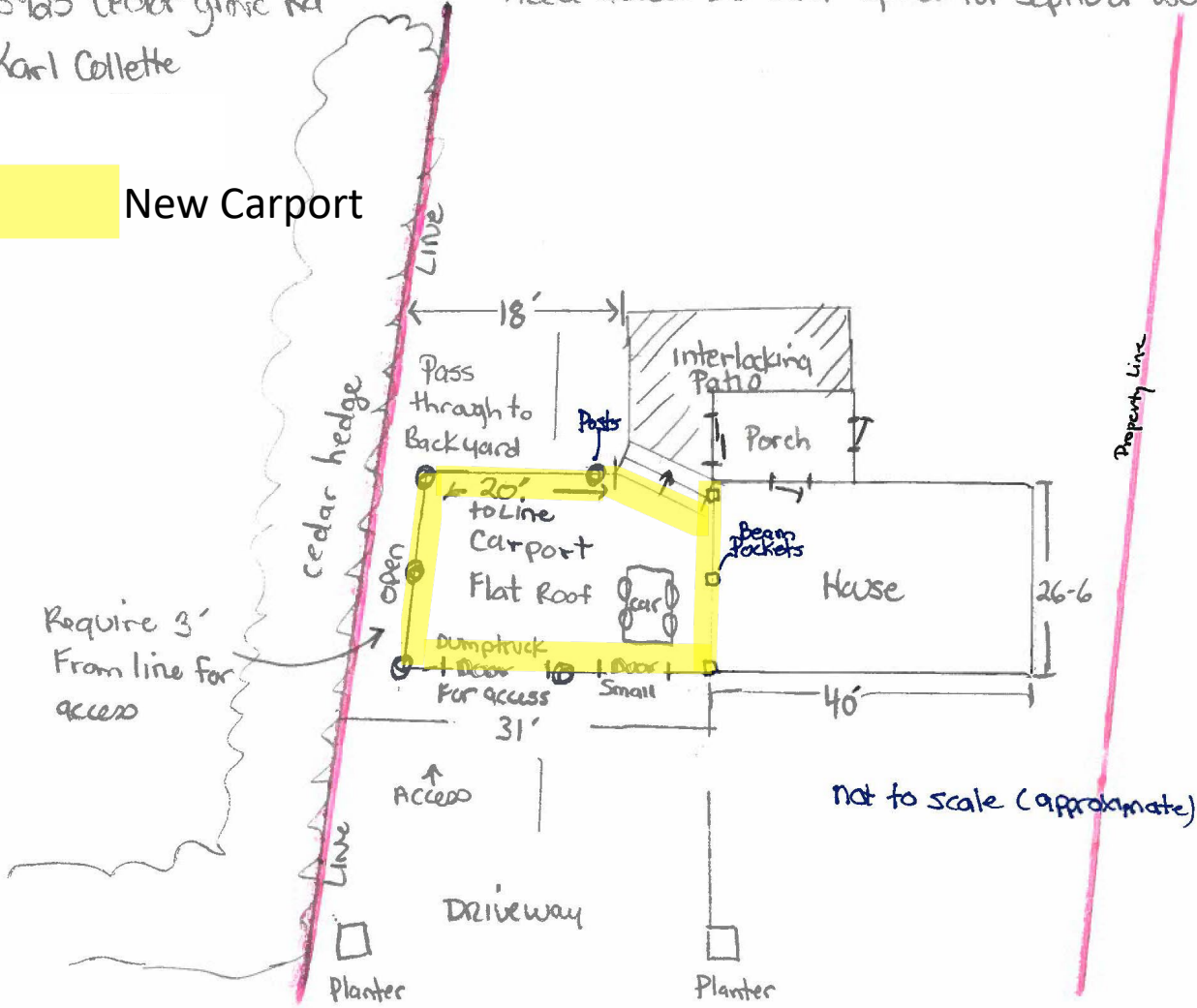
3925 Cedar Grove Road

3925 cedar grove Rd
Karl Collette

need access to back yard for Septic or well

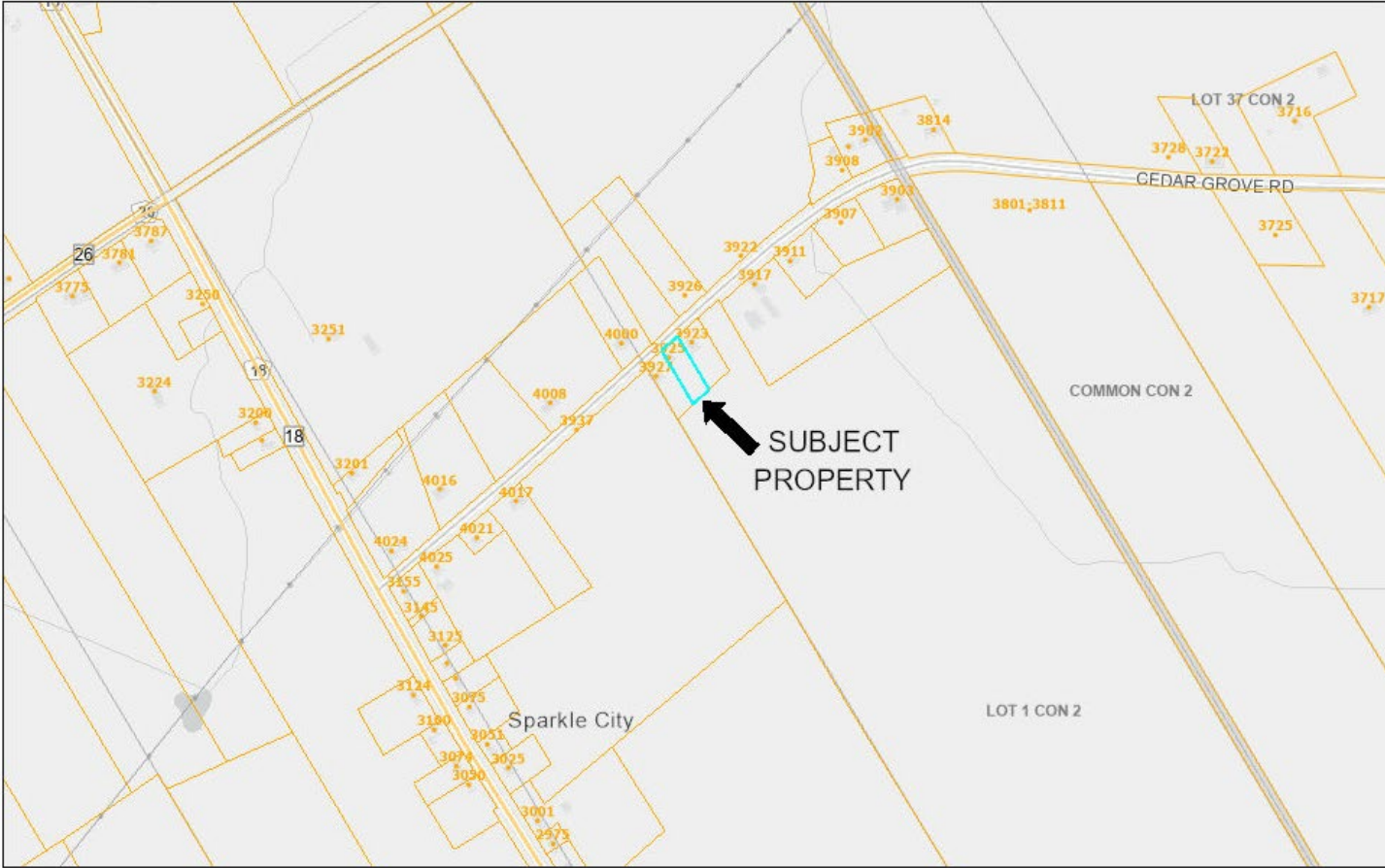


New Carport

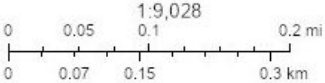
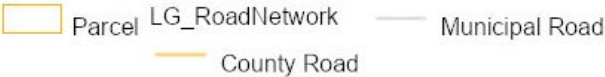


A03/25 – LOCATION MAP

3925 Cedar Grove Road



2025-07-31, 9:59:38 a.m.



Teramet, Inc., Municipal Property Assessment Corporation (MPAC), and Geographic Information System (GIS) the United Counties of Leeds and

Leeds Grenville GIS

Disclaimer: The data provided is for informational purposes only. UCLG is not liable for positioning inaccuracies, subsequent updates, errors or omissions of data.

Lambros Syrros
3923 Cedar Grove Road
Augusta, Ontario K0E 1T1



Date: August 5, 2025

To: Melissa Banford
The Secretary-Treasurer
Committee of Adjustment
Township of Augusta
3650 County Road 26, Maynard, Ontario

Re: Objection to Minor Variance Application – 3925 Cedar Grove Road, Augusta, ON
Committee File No.: A03/25

Dear Members of the Committee,

I am writing to formally object to the minor variance application submitted by the owner of 3925 Cedar Grove Road, Augusta, seeking relief from the zoning by-law requirements to permit the construction of a carport within **3 feet** (approximately 0.9 metres) of the **side lot line**, whereas the by-law requires a minimum setback of **9.8 feet** (approximately 3.0 metres).

I am the owner of the abutting property at **3923 Cedar Grove Road**, which directly borders the proposed structure.

Grounds for Objection

Under section 45(1) of the *Planning Act*, a minor variance may only be authorized if all four of the following tests are satisfied:

1. **The variance is minor in nature**
2. **The variance is desirable for the appropriate development or use of the land**
3. **The general intent and purpose of the zoning by-law is maintained**
4. **The general intent and purpose of the official plan is maintained**

In my respectful submission, the proposed variance **fails** to meet these criteria, for the following reasons:



1. The Variance Is Not Minor in Nature

A reduction from 10 feet to 3 feet represents a **70% decrease** in the required setback. This is not a slight or technical deviation—it is a substantial encroachment that significantly alters the

spatial separation intended by the zoning by-law. Such a reduction may negatively impact access, views, privacy, and enjoyment of my property.

2. The Variance Is Not Desirable for the Appropriate Development or Use of the Land

The proposed carport placement is incompatible with the prevailing character of the neighbourhood, where structures are reasonably spaced apart. Allowing this carport so close to the lot line risks setting a precedent for over-intensification and diminishes the sense of openness in the area. It may also impede access for maintenance and emergency services.

3. The General Intent and Purpose of the Zoning By-law Is Not Maintained

The 10-foot setback was established to protect adjacent landowners from overcrowding, to ensure adequate light and air circulation, and to reduce fire risk between structures. Approving a variance of this magnitude would undermine the planning principles the by-law is intended to uphold.

4. The General Intent and Purpose of the Official Plan Is Not Maintained

The Official Plan emphasizes compatibility between neighbouring uses, preservation of neighbourhood character, and avoidance of negative impacts on adjacent properties. This proposal introduces a built form that is inconsistent with these planning objectives.

Additional Concerns

- **Loss of Privacy:** A carport situated only 3 feet from my property line will intrude on the quiet enjoyment of my yard and may obstruct sightlines.
 - **Drainage and Runoff:** With such close proximity, there is a risk that water runoff from the carport roof will adversely affect my property including damage to the cedar hedge that separates our property.
 - **Maintenance Issues:** The close placement may lead to encroachments during construction or in the future (e.g., overhanging eaves or snow shed).
-

Request

For the reasons set out above, I respectfully request that the Committee **deny** the requested variance and require the applicant to comply with the existing 9.8 foot setback required under the zoning by-law.

Thank you for your consideration.

Yours sincerely,


Lambros Syrrros

Jessica Linn

From: Karen Morrell
Sent: August 6, 2025 11:54 AM
To: Melissa Banford
Cc: Jessica Linn
Subject: 3925 Cedar Grove

Hi Melissa.

Based on the research on pump truck sizes for septic systems, it looks like the drive through opening will need to be 12' wide X 12' high. This is without a door on the structure. Garage door sizes for RV's can be 10' – 14' wide by 12' – 16' high so the opening could be larger than 12 X 12, but I would consider that a minimum to permit the side yard setback variance.

Karen Morrell, CBCO

Chief Building Official
BCIN #40684
Augusta Township
(613) 925-4231 ext. 106



Confidentiality Warning: This email contains information for the use only of the intended recipient. If you have received this email in error, please advise and, destroy all copies of this message. Please note: Individuals who submit letters and other information to Council should be aware that any personal information contained within their communications may become part of the public record and may be made available to the public through the Council Agenda process.
Please consider the environment before printing this email.



COMMITTEE OF ADJUSTMENT ACTION REPORT

Hearing Date: August 13, 2025

From: Melissa Banford, Planner

Subject: Minor Variance Application (Under Section 45 of the *Planning Act*)

File No: A03/25

Legal Description: Con. 2, Pt. Lot 1, Part 2, Reference Plan 15R-7323

Roll #: 0706 000 010 03200

Owner/Applicant: Karl Collette

LOCATION

The subject property is located in Con. 2, Pt. Lot 1, Part 2, Reference Plan 15R-7323 (Current Assessment Roll 0706 000 010 03200), addressed as 3925 Cedar Grove Road. A 206 sq.m. (676 sq.ft.) +/- attached carport is proposed onto the east side of the existing residential dwelling.

PURPOSE OF APPLICATION

The property is zoned RU, Rural Zone, under current Zoning By-law 2965, as amended. Relief is requested as follows:

- **Section 7.17.2, Other Uses - Minimum Yard Requirements (Main Building)** where a minimum front yard setback of 10 m (32.8 ft.) is required and 7.62 m (25 ft.) +/- is proposed to the front property line.
- **Section 7.17.2, Other Uses - Minimum Yard Requirements (Main Building)** where a minimum interior side yard setback of 3 m (9.8 ft.) is required and 0.91 m (3 ft.) +/- is proposed to the east property line.

LEGISLATIVE CONTEXT

Section 45(1) of the *Planning Act* lays out the “tests” which an application for a minor variance must meet in order to be approved by the Committee of Adjustment. An application must meet all four tests to be approved. The tests are as follows:

1. Is the requested variance or relief considered minor?
2. Is the variance desirable for the appropriate development or use of the land, building or structure?
3. Does the variance maintain the general intent and purpose of the Zoning By-law?

4. Does the variance maintain the general intent and purpose of the Official Plan?

PLANNING CONTEXT AND ANALYSIS

Does the variance maintain the general intent and purpose of the Official Plan?

United Counties of Leeds and Grenville Official Plan

The subject property is designated as Rural Lands under Schedule A of the Counties' Official Plan. Counties' Planning staff was circulated the Notice of the application. No comments were received.

Augusta Township Official Plan

The property appears to be designated Rural under Land Use Schedule A. There are no Development Constraints identified on Schedule B. The Rural policy area permits a mix of uses, including low-density residential uses and related residential accessory uses.

The Official Plan, Section 9.2.3.1., provides the authority for the use of minor variances to provide relief where the four tests, as prescribed in the Act, are met.

Does the variance maintain the general intent and purpose of the Zoning By-law?

A new 206 sq.m. (676 sq.ft.) +/- attached carport is proposed to be attached to the east side of the existing residential dwelling. As the carport is proposed to be attached, it would not be considered under the Accessory Uses provisions (Section 6), and the Main Building RU (Section 7.17) provisions would be applicable.

Relief from two (2) RU zone provisions are being sought under this application: minimum front yard setback of 10 m (32.8 ft.) where 7.62 m (25 ft.) +/- is proposed to the front property line; and minimum interior side yard setback of 3 m (9.8 ft.) where 0.91 m (3 ft.) +/- is proposed to the east property line.

Under Zoning By-law 2965, as amended, the subject property is zoned Rural (RU) Zone. The RU zone requires a minimum lot area of 0.8 ha (2 ac.) and lot frontage of 30 m (98.4 ft.) for single detached dwelling use. The subject property is a 0.19 ha (0.47 ac.) lot with 25.44 m (83.45 ft.) lot frontage on Cedar Grove Road. The property is an existing lot of record which is deficient in both lot area and lot frontage under the current RU zone requirements.

In rural zoned areas, main buildings and accessory buildings/structures are often required to provide for larger setbacks than in the residentially zoned areas of the Township. These greater required yard setbacks are reflective of the RU zone, as it

prescribes a 2 ac. lot size. The subject property is an undersized lot in terms of lot area of 0.47 ac. (23% of the RU 2 ac. lot size) and lot frontage of 83.45 ft. (88% of the RU 98.4 ft. minimum lot frontage). The subject property and two (2) abutting undersized lots located to the east and west, could be considered more typical of residential-use lots. These three (3) lots are also under the current residential lot area size minimum, prescribed at 1 ac. The lots are not typical of the current size sought to maintain rural lot character, due to the historical nature of these properties.

Minor variance relief has been requested for the front yard setback of 25 ft. +/-, where 32.8 ft. is the required setback to the front property line under zoning. The carport will be in line with the existing dwelling, which is also deficient and non-conforming in terms of the current required setback to the front yard. The new carport will not be coming any closer to the road than the existing dwelling. No concerns were raised by the Township Public Works Department with the application.

Minor variance relief is also requested for the interior side yard setback of 3 m (9.8 ft.). Side yard setbacks are to provide egress around structures, maintenance of structures within the legal limits of a property, and separation between neighbouring properties, etc.

A carport is defined in the Zoning By-law as:

a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles. Where a roofed enclosure used for the storage or parking of motor vehicles has more than 60 per cent of the total perimeter enclosed by walls, doors or windows, the enclosure shall be considered a garage

The proposed structure will meet the definition of a carport, being enclosed on the front and along the west/side where it abuts the dwelling. The east side and rear side of the structure are proposed to be open. Staff have calculated the percentage of enclosure to be under 60 percent.

On the submitted site plan, the access door and proposed openings illustrate that a pass-through for truck access is proposed, should future access for backyard maintenance be required. In order to ensure that this east side access is retained with the proposed reduction of the side yard, it is being recommended that a condition be imposed that the structure not exceed the 60 per cent maximum enclosure, as defined under the carport definition in Zoning By-law 2965, as amended, such that it not be converted to a garage in the future. Additionally, based on comments from the Chief Building Official, dated August 6, 2025, a minimum-sized 12'x12' opening is recommended to permit vehicular access.

It should be noted that egress can also be achieved on the west side of the property for access to the rear yard, as approximately 15 ft. +/- appears to exist on this side.

A proposed 3 ft. (0.91 m) setback should provide for adequate egress around the carport structure for any required maintenance to the building.

Is the requested relief considered to be minor? / Is the variance desirable for the appropriate development or use of the land, building, or structure?

It is recognized that for a variance to be deemed minor, it need not be necessarily mathematically minor, but minor in the context of the proposed variance request.

Given that the subject property is an existing undersized lot of record, in terms of area and frontage, it would be planning staff's opinion that a 3 ft. (0.91 m) setback for a carport could be considered reasonable. For such smaller lots, it is generally anticipated that there often need to be concessions versus current development setbacks.

When considering whether an application is minor or desirable, impact plays a central role in the assessment of an application. It is important to minimize any potential impacts on neighbouring properties and maintain the character and residential uses in this particular area. Each variance application is to be considered on its own merits and does not set precedent.

The most immediately impacted property with this application is 3923 Cedar Grove Road, located to the left/northeast of the subject property. A 3m (0.91 m) setback from the new carport to this shared side property line is proposed. A letter of objection has been received from this property owner, dated August 5, 2025, and is included in the Agenda.

In viewing the properties on-site, it does not appear that there will be significant visual or shadowing impacts on this neighbour. A well-established cedar hedge is located along the east property line, providing a significant visual barrier between the properties. Pictures 1, 2, and 3 below illustrate the area of the property attached carport as well as the east property line and existing cedar hedge line.



Pic. 1 – Looking South onto 3925 Cedar Grove Road (location of proposed carport to attached to dwelling)



Pic. 2 – Looking South/East, towards the neighbouring property at 3923 Ceadr Grove Road)



Pic. 3 – Looking South/West towards side of dwelling carport is to be attached to.

It is the legal responsibility of property owners to ensure no off-site impacts with respect to drainage/roof runoff. Given the proposed distance to the side yard, it is recommended that eavestroughing be required to be installed on the carport to ensure that there are no negative water drainage impacts.

The Fire Chief was circulated with the Notice. Planning staff verbally discussed the distance of the proposed carport to the existing cedar hedges with the Fire Chief, who advised of no concern.

It is understood by planning staff that there have been historical property line concerns/issues with the east property line. Given this, it may be appropriate to require that the two corners of the carport, those closest to the east side property line, be marked by a surveyor prior to construction. There is an existing survey for the property, Reference Plan Part 2, 15R-7323, so the corners could be easily marked by a surveyor. There would be an added cost to the applicant for this confirmation.

Given that there does not appear to be a significant negative impact with the proposal, the requested variances have been considered to be desirable and minor by planning staff.

RECOMMENDATION

Minor Variance A03/25 appears to meet all four tests of assessment under the *Planning Act* to meet approval, subject to four (4) conditions:

Conditions:

- 1) That eavestroughing be installed on the carport to ensure that water is directed away from the property to the east. This condition is to be to the satisfaction of the Chief Building Official.
- 2) That a surveyor mark the east two (2) corners of the proposed carport abutting the east property line to ensure that a 3 ft. (0.91 m) setback is provided. *Note: the setback is to the base of the building. There is an additional permitted projection of 0.75m (2.46 ft.) for eaves and gutters, under Section 6.33 of Zoning By-law 6.33.*
- 3) That, in accordance with the definition of a carport in Zoning By-law 2965, as amended, the carport does not exceed 60 per cent of the total perimeter enclosed by walls, doors or windows, such that it cannot be converted to a garage in the future.
- 4) That a minimum 12 ft. x 12. ft. size door/opening be provided on the north and south sides of the carport to allow for access/drive-through of vehicles into the back yard.

Respectfully submitted,



Melissa Banford MCIP, RPP, Planner

1. Mandate

The Township of Augusta's Committee of Adjustment has a mandate to act in accordance with the *Planning Act* and to provide adequate notice and process all applications objectively.

The Committee of Adjustment is a quasi-judicial tribunal which operates independently and is autonomous from Council.

The Committee of Adjustment holds public meetings and considers and may authorize Minor Variances from the Zoning By-Law, under Section 45(1) of the *Planning Act*. The Committee of Adjustment also reviews and permits Permissions/Extensions and Enlargements to Legal Non-conforming Uses under Section 45(2) of the *Planning Act*. These decisions are made as follows:

- the Committee's decisions must be consistent with the Provincial Planning Statement (PPS), conform to Provincial Plans, and comply with both the United Counties of Leeds & Grenville and the Township of Augusta Official Plan's;
- the Committee must consider the applications in light of the requirements as laid out in the *Planning Act*.

The Committee must also be aware of Council decisions when making its decisions and must consider and apply the Township of Augusta's Official Plan policies and comply with the *Statutory Powers Procedure Act*. All decisions made under the *Planning Act* are subject to appeal, as may be permitted under provincial regulation, to the Ontario Land Tribunal (OLT).

2. Committee Composition and Appointments

Section 44 of the *Planning Act* provides Council with the authority to appoint a Committee of Adjustment.

The term of office of the Committee is the same as the term of office of Council that takes office following the next regular election. Currently that is a four (4) year term.

The Committee will consist of a maximum of five (5) members, but not less than three (3) members as per Section 44(1) of the *Planning Act*.

Committee members shall:

- Be qualified electors, as defined by the *Municipal Elections Act*, within the Township of Augusta;
- Have a demonstrated expertise, interest, and involvement in the sector(s) of the specified Committee;
- Fairly represent the sector(s) of the specified Committee; and
- Commit the time required to work on the Committee.

3. Term of Office

The term of office for members of the committee shall not exceed the term of council that appointed them.

At the first meeting of the term of the newly appointed Committee, the following must occur:

- Elect a Committee Chair
- Appoint a Secretary-Treasurer

The Recording Clerk calls for nominations of the Chair. A member of the Committee can make a nomination which must be seconded by another member of the Committee. When all nominations have been received the Recording Clerk closes nominations. Votes are then cast. If there is a tie vote, ballots will be cast for the tied nominees until such time as a nominee receives the majority of the votes.

4. Meetings

The Committee will formally meet to conduct public meeting(s) as applications are received. At the time that a complete application under Section 45(1) or 45(2) of the *Planning Act* is filed with the Township, the Secretary-Treasurer or the Recording Clerk will canvass the Committee members to confirm a meeting day and time. Under provincial legislation, Decisions under Section 45(1) or 45(2) of the *Planning Act* are to be made within thirty (30) days of the Township receiving a complete application. The Committee of Adjustment may also meet at any other such time as the Committee deems appropriate.

The Committee will conduct its meetings in public, in an accessible location.

The Committee shall adhere to any policies and procedures as provided for under the *Planning Act*, *Municipal Act*, the Township's Procedural By-Law, and any other applicable legislation.

Where there is conflict between these Terms of Reference; the *Planning Act*; the *Municipal Act*, or any other Act or Regulation governing the Committee, the Acts shall prevail.

5. Attendance by Committee Members

If a member is unable to attend a meeting, he/she should inform the Chair and Secretary-Treasurer and/or Recording Clerk.

Meetings of the Committee of Adjustment will be held in person. Meetings may be made available, as a hybrid meeting format, with the option to attend online. An online meeting option will only be provided where a Committee member is unable to attend the meeting in person, or where the applicant, agent, or any member of the public has requested the option to attend online. Should no request for an option to attend online be made prior to commencement of the meeting at the scheduled date and time, the meeting shall proceed by the in-person format only.

In the event that a Committee member or the Chair is absent from the meeting for three (3) consecutive meetings without being temporarily excused and such permission recorded in the minutes, Council may terminate the appointment and may by motion appoint a new person to fill the vacancy.

If the Committee Chair is absent from a meeting, through illness or otherwise, the Committee may appoint an Acting Chair for that meeting, as deemed appropriate. While presiding, the Acting Chair shall have all the powers of the Chair.

If the Chair is absent from the meeting for three (3) consecutive meetings, through illness or otherwise, the Committee may appoint a new Chair, as deemed appropriate.

6. Quorum

In accordance with Section 44(5) of the *Planning Act*, quorum shall be:

- Where a Committee is composed of three (3) members, two (2) members constitute a quorum; and
- Where a Committee is composed of more than three (3) members, three (3) members constitute a quorum.

If there is no quorum, within thirty (30) minutes after the time appointed for the meeting, the Recording Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting.

7. Responsibilities and Protocol

Responsibilities of Chair

The Chair holds the following responsibilities:

- Operate under the Township's Procedural By-Law;
- Facilitate the meeting by identifying the order of proceedings, applications, and speakers according to the published agenda;
- Maintain decorum and ensure fairness and accountability;
- Generally, refrain from participating in the discussion until all members have had an opportunity to speak about the matter;
- Refrain from making decisions. The Chair can only run a meeting in a fair and efficient manner when the will of the majority prevails after the minority has had a fair chance to present its point of view. In the case of the tie on an application, the Chair shall be required to make a decision/vote;
- Assist staff liaison/Recording Clerk when possible or when requested;
- Represent the views of the Committee and not personal views.

Responsibilities of Committee Members and Chair

Committee members and Chair shall:

- Adhere to the *Planning Act*;
- Adhere to the *Municipal Conflict of Interest Act* and clearly identify any items of pecuniary interest before they are discussed and refrain from discussing and voting on same;
- Perform their duties in a manner that maintains and enhances public confidence in the integrity, objectivity, and impartiality of the Township;

- Not be under an obligation to any person who might benefit from special consideration or favour from the member or who might seek, in any way, preferential treatment;
- Not benefit from the use of information acquired during the course of official duties that is not generally available to the public;
- Be professional, courteous, and respectful with other members, Council, administration, and the general public. In doing so will not publicly criticize Elected Officials, administration or other members and respect the decisions of Council;
- Maintain confidentiality when necessary, and ensure personal information controlled by the Township is used or disclosed in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
- Understand the committee's relationship to Council;
- Strive to attend all scheduled meetings and advise in advance when unable to attend (to determine if there is going to be a quorum);
- Prepare for meetings by reading agendas and any background information supplied and by actively participating in the discussion and decision-making process;
- Undertake any work assigned, including special projects and research, between meetings;
- Operate under the Township's Procedural By-Law, as well as other Township policies and procedures where applicable;
- Respect that actions taken and/or recommendations shall reflect the majority view of the Committee.
- Undertake site visits, as required, as detailed under Section 8.

Following the filing of a complete application for Minor Variances from the Zoning By-Law, under Section 45(1) of the *Planning Act* or Permission/Extensions and Enlargements to Legal Non-conforming Uses under Section 45(2) of the *Planning Act*, but prior to the meeting where the application will be considered by the Committee of Adjustment, the members may conduct individual site visits.

During site visits, members shall not discuss with the applicant, other Committee Members, or other interested individuals any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee of Adjustment.

Apart from during the public meeting, Committee Members shall not discuss their opinions of any new application with other Committee Members.

Committee members will be reimbursed mileage expenses for site visits in lieu of a flat honorarium payment.

Responsibilities of Secretary-Treasurer

The Secretary-Treasurer shall be a designated member of the Township's Planning Department staff, as appointed by the Committee of Adjustment, as per Section 44(8) of the *Planning Act*.

In the event of a vacancy or absence, the Committee shall appoint an alternate as Acting Secretary-Treasurer or Assistant Secretary-Treasurer.

As a non-voting member, the main responsibilities of the Secretary-Treasurer are to:

- Facilitate the Committee of Adjustment process by ensuring that all regulations under the *Planning Act* are adhered to;
- Prepare for the provision of notices of applications/decisions, minute taking, issuance of certificates and ensuring that all municipal procedural matters are complied with during Committee of Adjustment meetings;
- Provide guidance and advice and remain impartial during discussions of Committee matters with all members;
- Prepare any necessary reports for the Committee's consideration;
- Ensure that any recommendations proposed by the Committee do not contradict the Township's budget, By-Laws or policies and procedures.

Responsibilities of Recording Clerk

(In some instances, the Recording Clerk and Secretary-Treasurer are one and the same)

As a non-voting member, the responsibilities of the Recording Clerk are to:

- Prepare the agenda for each meeting in consultation with the Secretary-Treasurer;
- Distribute the agenda to the Committee members as outlined in Section 8;
- Post agendas, minutes and meeting dates/times to the Township's website as outlined in Township's Procedural By-Law;
- Record the minutes of the meeting including resolutions, decisions, and other proceedings at the meeting;
- Submit the approved minutes of each Committee meeting for inclusion on the Regular Council agenda for Council's information;
- Report any resignations of Committee members to the Township Clerk;
- Book the meeting venue;
- Arrange for and/or set up meeting areas for all meetings including in-person and hybrid/digital meetings, giving consideration to the nature of the matters to be discussed, any audio-visual requirements, attendance by the public, and ensuring accessibility;
- When necessary and in consultation with the Chair, cancel a meeting (due to inclement weather or provide knowledge of lack of quorum), if time permits, the members should be contacted to advise of the cancellation.

8. Agendas

Agendas shall be released on the day immediately prior to the meeting date. Agendas will be emailed to Committee members and will be released electronically through the Township's website.

Written comments and correspondence received after the agenda is released will be read verbally by the Secretary-Treasurer at the Committee of Adjustment meeting to ensure they form part of the public record.

Agenda items should be relevant to the business of the Committee and should only include items that require the attention or action of the Committee.

Committee members are encouraged to submit agenda items to the Recording Clerk. A deadline may be established for submission of agenda items.

Procedure for Applications on the Agenda:

Notwithstanding the Township's Procedural By-Law, the following procedure shall apply to Applications before the Committee of Adjustment on the agenda:

- The Secretary-Treasurer will outline the application and detail all comments received to date on the application, including any comments received from agencies, specified persons, public bodies, or any persons expressing an support or opposition to the application and the nature of their interest in the presence of both the Committee Members and all members of the public in person, or virtual attendance, if any.
- The Chair shall ask the applicant or agent to introduce themselves and, if they wish, to present the application and reasons for support of the application. The applicant/agent shall be provided with the opportunity to present the nature of the application and will also have the opportunity to respond to any comments received or made pertaining to their application.
- The Chair will invite anyone else having an interest in the application to make any comments or express their interest in the application before the Committee.
- Following any presentations from the applicant/agent, and members of the public, the Committee members will proceed to a discussion amongst the members, considering any issues and comments raised by the applicant/agent and members of the public. Once the discussion has taken place, the Chair will call for a motion with respect to the disposition of the application. A discussion may take place on the motion and subsequently a vote will be called by the Chair on the motion on the floor. Once the motion has been voted, the Chair will announce the decision of the Committee of Adjustment. The Committee of Adjustment may vote to approve, deny, defer or reserve an application and shall set out the reasons for the decision.

-
- No decision of the Committee on an application is valid unless it is concurred by the majority of the Committee members that heard the application, and the decision of the Committee shall be in writing and shall set out the reasons for the decision and shall be signed by the Committee members who concur in the decision, in accordance with the provisions of the *Planning Act*.
 - A copy of the decision shall be sent to the applicant/agent and property owner as well as anyone who made a written request to the Secretary-Treasurer to be notified of the decision in advance of the meeting. Any person in attendance at the public meeting shall leave their first and last name, email, and residential address with the Secretary-Treasurer at the meeting, should they wish to receive a copy of the written decision and any further correspondence with respect to the application, pursuant to the provisions of the *Planning Act*.

Procedure for Requests for Deferral:

A request for deferral of an application by the applicant or authorized agent must be for reasonable cause and can be made to the Secretary-Treasurer in advance of the meeting or at the meeting.

If the request is made prior to the meeting, the Secretary-Treasurer will provide the Committee with an outline as to why the request has been made and a suggested motion to be considered, with the recommended future meeting date.

If the request is made at the meeting, the Chair will request a motion for consideration and a recommended future meeting date.

9. Minutes

Minutes of meetings represent a clear and accurate account of the business conducted by the Committee. Minutes provide a permanent and official record of all proceedings, policy, and budgetary decisions.

The Recording Clerk will include the minutes of the previous meeting on the agenda for the next scheduled committee meeting for approval.

10. Rules of Procedure & Records

The Procedural By-Law shall apply to the Committee, a copy of which shall be provided to all Committee members. Where the By-Law is silent, the Township Clerk or their designate is available to assist committees with the interpretation of the rules.

Under Section 2(3) of the *Municipal Freedom of Information Privacy Protection Act*, as amended, records relating to the business of the municipality, created or received by a body considered part of the municipality, are accessible under the Act.

11. Conflict of Interest

A conflict of interest may arise for Committee members appointed by Council when their personal or business interests clash with or affect the duties and decisions of the committee. These members are required to adhere to the *Municipal Conflict of Interest Act*, which contains strict rules regulating their participation in matters to which they have a direct or indirect pecuniary interest. The onus to declare a conflict of interest lies with the members and not municipal staff.

At a meeting at which a Committee member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk of the municipality or the Recording Clerk of the Committee.

Committee members can seek advice from the Township's Integrity Commissioner respecting their obligations under the Township's Code of Conduct for Council, Committees and Boards, local ethical behaviour procedures, rules or policies governing the members, and the *Municipal Conflict of Interest Act*.

12. Committee Member Conduct

Committee members shall, at all times, follow the policies and procedures set out in the Township of Augusta's Code of Conduct for Council, Committees and Boards.

All Committee members shall also comply with all applicable Township policies and procedures, including but not limited to:

- Workplace Violence & Harassment Policy
- Health & Safety Policy

13. Communications

Any written communications, including media releases, advisories, flyers, posters, and other printed materials shall be vetted by the chief Administrative Officer or staff liaison.

Letters of appreciation or recognition or correspondence related to the Committee's mandate do not require Council's approval.

Communications to Council or Administration are generally through the staff liaison, Recording Clerk or Chair.

Committees and Committee members are not authorized to design and launch websites or social media accounts. Responsibility for managing and monitoring corporate websites and social media sites is centralized through Township Administration. Any Township policies relating to social media shall apply.

Only authorized spokespersons may speak on behalf of a Committee. The Township's Communication Policy shall apply to Committees.

14. Administration

Request for Application Withdrawal and Refund

Requests for withdrawal of an application(s) must be submitted in writing to the Secretary-Treasurer.

All applications to the Committee are subject to the fees in the Township of Augusta Fees By-Law, or the applicable By-Law in force on the date that the application was filed with the Township, and in accordance with Section 69(2) of the *Planning Act*, Reduction or Waiver of Fees.

Upon withdrawal of an application, and the submission of a written request to refund the application fee by the applicant or agent, the Secretary-Treasurer, in consultation with the Chief Administrative Officer (CAO) may approve the following refunds:

- i) If application is withdrawn prior to circulation costs incurred: 75% refund;
- ii) If application is withdrawn after circulation costs incurred, but prior to the public hearing before the Committee: 50% refund;
- iii) If application is withdrawn after circulation costs incurred but is withdrawn during the public hearing before the Committee: no refund.

Any approved requests for refund shall be paid in the name of the individual or company noted on the Township's receipt for the paid application fee.

Re-Circulation of Applications

A re-circulation fee shall be paid for any circumstances triggering public recirculation of the application including if the scope of the application is changed at the request of the applicant/agent or at the request of the Committee of Adjustment. A recirculation fee shall be included in the applicable Township of Augusta Fees & Charges By-Law.

Inactive Files/Closing Files

Should the public hearing not be scheduled within six (6) months from the date the application is received, the Secretary-Treasurer will deem the application inactive and the file will be closed. In the case that an application is deferred by the Committee, the application may be deemed to be inactive if not rescheduled within one (1) year of the deferral date by the Committee.

The Secretary-Treasurer, or their designate, shall provide a written notice to the applicant/agent of the intent to close the inactive application, thirty (30) days in advance of the file being deemed inactive and closed.

Upon a file being closed, the applicant/agent will be required to file a new application including the current application fee in effect at the time of the reapplication.

Technical Errors

The Secretary-Treasurer shall be permitted at any time, and without prior notice to the parties, to correct a minor technical or typographical error made in the minutes or in a Decision.