

TOWNSHIP OF AUGUSTA
AGENDA
COMMITTEE OF ADJUSTMENT MEETING
March 5, 2025 at 11:00 A.M.

REGULAR COMMITTEE SESSION

A. 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.

B. Approval of Agenda

C. Approval of Minutes of Previous Meeting – September 20, 2024 - **Page 2**

D. Disclosure of Interest and Nature Thereof

E. Applications:

- Application A01/25 (Chartrand)
1319 County Rd 2
 - Notice of Hearing - **Page 11**
 - Comments received
 - Email from Laura Crites Planner, South Nation Conservation, dated February 24, 2025 – **Page 15**
 - Letter from neighbour at 1325 County Rd 2, dated March 4, 2025 - **Page 16**
 - Staff Report, dated March 5, 2025 - **Page 17**
- Application A02/25 (Trip)
1106 County Rd 2
 - Notice of Hearing - **Page 25**
 - Staff Report, dated September 19, 2024 - **Page 29**

F. Adjournment

**MINUTES
COMMITTEE OF ADJUSTMENT MEETING
September 20, 2024 at 11:00 a.m.**

PRESENT

Klaas Bolt, Lisa Severson (Virtually)

STAFF PRESENT

Melissa Banford - Secretary-Treasurer/Planner, Jessica Linn

REGRETS

Glenn Mackey

1. Call to Order

Acting Chair Klas Bolt called the meeting to order at 11:14 a.m.

2. Approval of Agenda

Moved by Klaas Bolt, seconded by Lisa Severson

THAT the Committee approve the meeting agenda as presented.

Motion: Carried

3. Approval of Minutes of Previous Meeting – August 26, 2024

Moved by Klaas Bolt, seconded by Lisa Severson

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

Motion: Carried

4. Disclosure of Pecuniary Interest – None

5. Applications

• **Application A06/24, 9230 Branch Road**

The applicants Stuart and Nikki Oke, were in attendance as was the property owner John Last-Beresford (virtually).

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

- Email from Elaine Mallory, Planner, United Counties of Leeds & Grenville, advising no comments would be coming from the Counties, dated September 6, 2024
- Email from Fire Chief Rob Bowman, dated September 6, 2024 advising of no concerns
- Email from Jon Stadig, Public Works Manager, dated September 6, 2024
- Email from Karen Morrell, Chief Building Official, dated September 6, 2024 advising of no concerns
- Staff Report by Melissa Banford, Planner, dated September 19, 2024.

The Chair opened the floor to the applicants and property owner. The applicants spoke to the application, stating the importance of keeping the irrigation pond with the farmland.

The Committee discussed the sought variance and granted approval of the application with one (1) note.

Moved by Klaas Bolt, seconded by Lisa Severson

BE IT RESOLVED THAT the Committee approve minor variance application A06/24 with one **(1) NOTE:**

1) The property owner is hereby advised that they should notify the next future property owner of the retained lands/new building lot under B-47-24 of the recommendations for new wells and water testing as detailed in the Hydrogeological Assessment by Jp2g Consultants Inc., dated January 11, 2024.

Motion: Carried

- **Application A07/24, 1531 County Road 2**

The applicant, Paulette Finlayson was in attendance.

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

- Email from Elaine Mallory, Planner, United Counties of Leeds & Grenville, advising no comments would be coming from the Counties, dated September 6, 2024
- Email from Fire Chief Rob Bowman, dated September 6, 2024 advising of no concerns
- Email from Jon Stadig, Public Works Manager, dated September 6, 2024 advising of no concerns
- Email from Karen Morrell, Chief Building Official, dated September 6, 2024 advising of no concerns
- Email from Neighbours, dated September 18, 2024 advising of no concerns
- Staff Report by Melissa Banford, Planner, dated September 19, 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 Planner advised that the Committee could only review the application as circulated. The applicant agreed to proceed without changes.

The Committee discussed the application and granted approval with one (1) condition.

Moved by Klaas Bolt, seconded by Lisa Severson

BE IT RESOLVED THAT the Committee approve minor variance application A07/24 with one **(1) CONDITION:**

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*

Motion: Carried

6. Adjournment

Moved by Lisa Severson

BE IT RESOLVED THAT this Committee do now adjourn at 11:35 a.m. until the call subject to need.

Motion: Carried

Klaas Bolt, Acting Chair

Melissa Banford, Sec-Treasurer

Attached – Decision A06/24
Decision A07/24



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

Application No.: A06/24
Owner(s): John & Emily Last-Beresford
Subject Property: 9230 Branch Road
Legal Description: Con. 9, Pt. Lot 31

Notice was given and a Public Hearing was held on **Friday, September 20, 2024** as required by the *Planning Act*.

LOCATION

The subject property is located in Part Lot 31, Concession 4, Pt. 4, Ref. Plan 15R-9832 (Current Assessment Roll 0706 000 050 17700), addressed as 9230 Branch Road.

The property was recently the subject of a severance application, B-47-24, where conditional approval was given by the United Counties of Leeds and Grenville Consent Granting Authority. Under this severance approval, the dwelling at 9230 Branch Road is to be severed as a 0.526 ha (1.3 ac.) +/- residential use lot, where under the Township's Zoning By-law 2985, as amended, a minimum lot area of 2.0 acres is required for residential use. The intent of the smaller residential lot is to retain as much land as possible for agricultural use. Under this severance application, the retained 31.85 ha (78.7 ac.) +/- lot, intended for agricultural use, would have a lot frontage of 61m (200 ft.) where under the Township's Zoning By-law a minimum lot frontage of 100 m (328 ft.) is required for an agricultural use lot. Under condition (6) of the severance approval, minor variance relief/approval from these two zoning provisions is required to ensure compliance with the zoning by-law/granted relief therefrom. This minor variance application has been filed to seek such relief. As part of the severance application consideration, a supportive hydrogeological assessment was submitted, which provides that water quality/quantity and the existing septic system servicing the residential/severed lot size is supported, as is the future development on the retained lands by well/septic.

PURPOSE OF THE APPLICATION

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

- **Section 7.17.2, All Other Uses, Minimum Lot Area**, where 8000 sq.m. (**2 ac.**) is required for a single detached dwelling use, where the **severed lot** under severance application B-47-24 will have a lot size of **1.3 ac. +/-** (yet to be surveyed);
- **Section 7.17.2, Agricultural Use, Minimum Lot Frontage**, where 100 m (**328 ft.**) of lot frontage is required for an agricultural use lot and the **retained lot** under severance application B-47-24 will have a lot frontage of **200 ft. +/-** (yet to be surveyed).

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 Friday, September 20, 2024:

DECISION: Application A06/24 is **APPROVED** with one (1) Note:

1. The property owner is hereby advised that they should notify the next future property owner of the retained lands/new building lot under B-47-24 of the recommendations for new wells and water testing as detailed in the Hydrogeological Assessment by Jp2g Consultants Inc., dated January 11, 2024.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON APPLICATIONS

In making the decision for this application, a written submission was received from the Township's Chief Building Official, Fire Chief, Public Works Manager, Rideau Valley Conservation Authority (RVCA), and the United Counties of Leeds & Grenville advising of no objection to the application. The Committee also received the planning Staff Report prepared on the application which included details on the Hydrogeological Assessment, prepared by Jp2G Consultants Inc., filed in support of the Minor Variance application.

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:

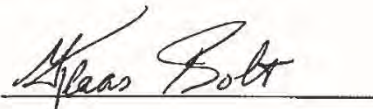
The Minor Variance Application is Approved.

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.

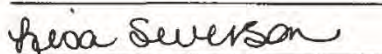
SIGNATURES

Klaas Bolt, Member



Glenn Mackey, Member

Lisa Severson, Member



DECISION DATE: **Friday, September 20, 2024**

DECISION CIRCULATED ON: **Monday, September 23, 2024**

DEADLINE FOR AN APPEAL: **Thursday, October 10, 2024**

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 Tribunal against the Decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

You must pay a filing fee of \$400.00 by certified cheque or money order payable to The Minister of Finance. To obtain a copy of the applicable form and other information about the appeal process, please visit www.elto.gov.on.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 September 20, 2024.



Melissa Banford
Secretary-Treasurer to the Committee of Adjustment

Township of Augusta
3560 County Road 26, Prescott, ON K0E 1T0
Tel: (613) 925-4231
Fax: (613) 925-3499



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

Application No.: A07/24
Owner(s): Peter & Paulette Finlayson
Subject Property: 1531 County Road 2
Legal Description: Con. 1, Pt. Lot 13

Notice was given and a Public Hearing was held on **Friday, September 20, 2024** as required by the *Planning Act*.

LOCATION

The subject property is located in Part Lot 13, Concession 1 (Current Assessment Roll 0706 000 055 03700), addressed as 1531 County Road 2. A detached garage is proposed in closer proximity to County Road 2, which is oversized from what the current zoning by-law permits, and as such a minor variance application has been filed to seek relief from this zone provision.

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, the 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 119 sq.m. (1,280 sq.ft.) in size.

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 Friday, September 20, 2024:

DECISION: Application A07/24 is **APPROVED** with one (1) 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*.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON APPLICATIONS

In deciding for this application, a written submission was received from the Township's Chief Building Official, Fire Chief, and United Counties of Leeds & Grenville advising of no objection to the application. The abutting neighbour to the east, 1533 County Road 2, provided an email in support of the application. The Committee also received the planning Staff Report prepared on the application.

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.

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

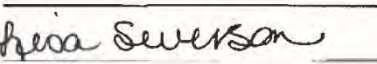
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

SIGNATURES

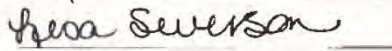
Klaas Bolt, Member



Glenn Mackey, Member



Lisa Severson, Member



DECISION DATE: **Friday, September 20, 2024**

DECISION CIRCULATED ON: **Monday, September 23, 2024**

DEADLINE FOR AN APPEAL: **Thursday, October 10, 2024**

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 Tribunal against the Decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.


You must pay a filing fee of \$400.00 by certified cheque or money order payable to The Minister of Finance. To obtain a copy of the applicable form and other information about the appeal process, please visit www.elto.gov.on.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 September 20, 2024.



Melissa Banford
Secretary-Treasurer to the Committee of Adjustment

Township of Augusta
3560 County Road 26, Prescott, ON K0E 1T0
Tel: (613) 925-4231
Fax: (613) 925-3499

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



**MINOR VARIANCE APPLICATION A01/25
1319 County Road 2
Con. 1, Pt. Lot 27; 15R8041, Parts 1-3;15R8374, Parts 1 & 2**

**To be held on Wednesday, March 5, 2025 at 11:00 a.m.
at the Augusta Township – Council Chambers
3560 County Road 26, Maynard, Ontario, K0E 1T0**

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.

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

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. (1,280 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).

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 9:00 a.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: February 21, 2025
Melissa Banford, Secretary-Treasurer
Committee of Adjustment
Township of Augusta

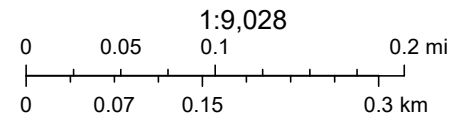
Attached - Location Map and Site Sketch.

A01/25 LOCATION MAP - 1319 COUNTY RD 2



2025-02-18, 3:58:32 p.m.

- Parcel
- LG_RoadNetwork
- County Road
- Municipal Road
- Firehall



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

Leeds Grenville GIS

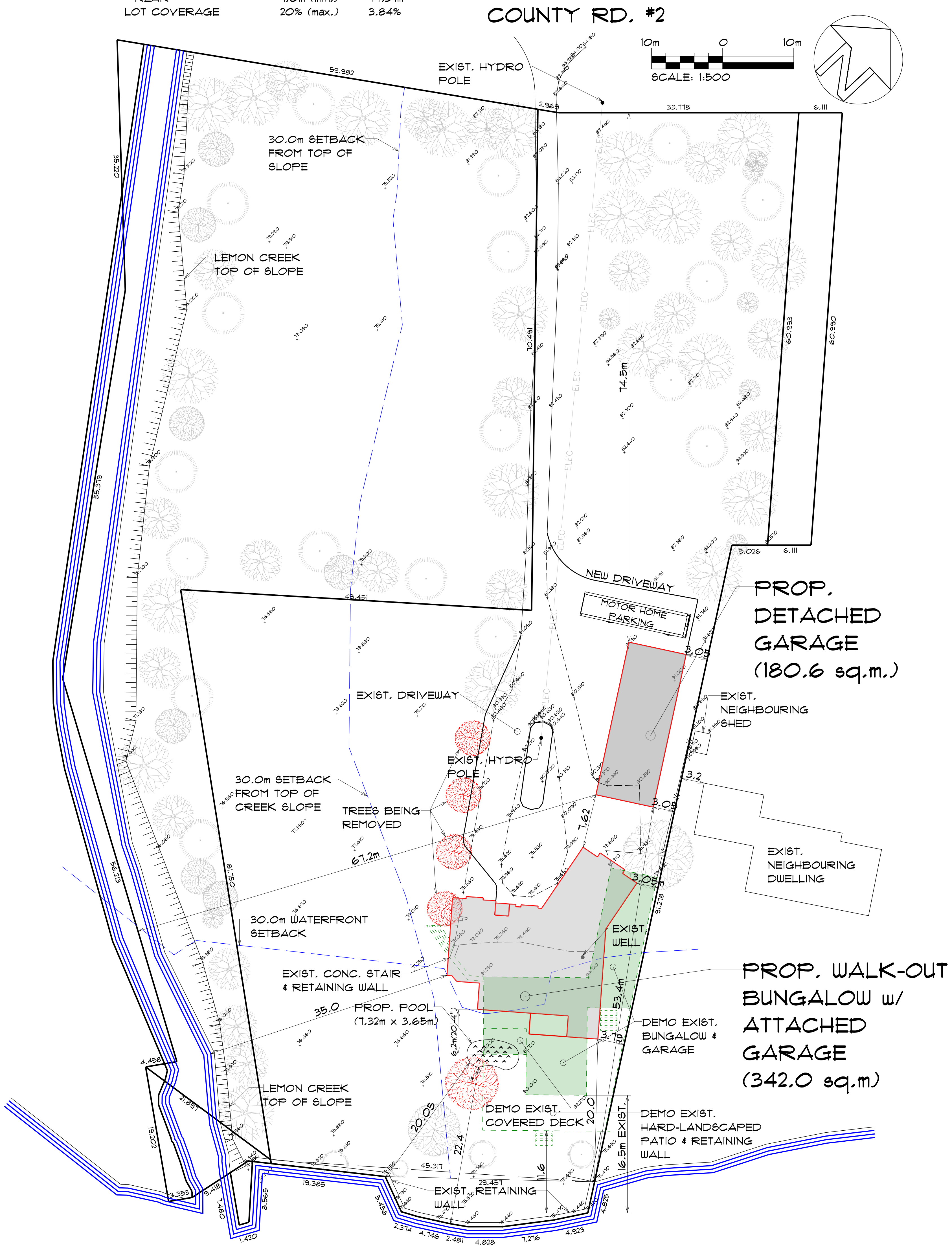


A01/25 SITE SKETCH

ZONE: RW - RESIDENTIAL WATERFRONT

ZONE PROVISIONS	REQUIRED	PROPOSED
ACCESSORY BUILDING		
YARD REQ.		
FRONT/WATER COURSE	20.0m (min.)	50.47m
EXTERIOR SIDE	6.0m (min.)	N/A
INTERIOR SIDE	3.0m (min.)	3.05m
REAR	1.0m (min.)	14.37m
LOT COVERAGE	20% (max.)	3.84%

NOTE:
THIS SITE PLAN IS NOT A LEGAL SURVEY, ALL INFORMATION
TAKEN FROM LEEDS & GRENVILLE PUBLIC MAP VIEWER &
REFERENCE PLANS (15R-8041 & 15R-8374) BY COLLETT
JORDAN & WISEMAN SURVEYING LTD.



SKETCH SITE PLAN 20M
SCALE: 1:300

COPYRIGHT

All drawings, specifications and related documents are the copyright property of Seaway Design Group and must be returned upon request. Reproduction of drawings, specifications, and related documents in whole or in part is forbidden without the written permission of Seaway Design Group.

These plans form the basis for permit issuance and any deviations from these plans and details, including the ventilation system, heating system, woodstove, fireplaces, decks, balconies and finished basements, will require a revised drawing and clearance by the Building Department.

Engineered floor system and engineered truss system designed by others and not by designer. These systems are exempt as permitted in the OBC 3.2.5.1 (3)(h)

The undersigned has reviewed this design, has qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

REGISTRATION INFORMATION:
Anthony Wielemaker:
Individual BCIN# 28341
Seaway Design Group:
Firm BCIN# 116151

REVISIONS:

No.	Description	Date	By
1.	--/--		FOR REVIEW

RESIDENCE FOR

CHARTRAND RESIDENCE
1319 COUNTY ROAD 2
AUGUSTA, ON
KOE ITO

PROJECT TITLE

PROPOSED WALKOUT

DRAWING TITLE

SKETCH SITE PLAN

DATE: JAN. 2025
DRAWN BY: W.D.
PROJECT No.: 24-Chartrand Walkout Bungalow

APPROVED: G.H.
SCALE: AS SHOWN



UNIT 10 - 4503 SOUTH AVENUE,
BROCKVILLE ON tel: 613-704-8797
www.seawaydg.ca



Melissa Banford

From: Laura Crites <lrites@nation.on.ca>
Sent: Monday, February 24, 2025 2:44 PM
To: Melissa Banford
Cc: Planning; Septic
Subject: RE: Minor Variance A01/25 (1319 County Road 2)

Good afternoon Melissa,

We don't have any objections on the minor variance.

The demo and re-build of the house will require a Conservation Authorities Act permit from SNC. The site plan should be updated to show the 100-year floodplain (75.7m CGVD28) and 20m regulation limit, in the permit application package submitted to SNC.

The applicant may also wish to contact our septic department to discuss if modifications to the system are required.

Thank you,
Laura

From: Melissa Banford <mbanford@augusta.ca>
Sent: February 21, 2025 10:51 AM
To: Planning <planning@nation.on.ca>
Cc: Laura Crites <lrites@nation.on.ca>
Subject: Minor Variance A01/25 (1319 County Road 2)

External email - if you don't know or can't confirm the identity of the sender, please exercise caution and do not open links or attachments.

Good morning,

Attached please find a Notice of Public Meeting in relation to Minor Variance Application A01/25.

Please let me know if you require any further information.

Regards,
Melissa

Melissa Banford MCIP, RPP
Planner
613-925-4231 ext. 104

MAR U 4 2025

March 4, 2025

Committee of Adjustment Notice of a Public Hearing

Under Section 45 of the Planning Act

Minor Variance Application A01/25

1319 County Road 2

Con. 1. Pt. Lot 27; 15R8041, Parts 1-3; 15R8374, Parts 1&2

This is in regards to the plan to build a 4-bay detached building on this property. I am not in favour of having this building being constructed any larger than the current zoning by-law permits.

I look forward to receiving a copy of the decision of the Committee.

Sincerely,



Aline M. Daykin

1325 County Rd 2, Maitland

**REPORT to the
AUGUSTA TOWNSHIP
COMMITTEE OF ADJUSTMENT**



**MINOR VARIANCE APPLICATION
Under Section 45 of the Planning Act**

**File No. A01/25
1319 County Road 2 (Chartrand)
Hearing Date: March 5, 2025**

LOCATION

The subject property is located in Part Lot 27, Concession 1 (Current Assessment Roll 0706 000 035 04200), addressed as 1319 County Road 2. A detached garage is proposed which is oversized, and at a greater height, from what the current Zoning By-law permits. As such a minor variance application has been filed to seek relief from these zone provisions.

PROPOSAL AND 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 detached garage/storage building would be 180.6 sq.m. (1,944 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).

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?

If an application is granted by the Committee, it may be subject to terms and conditions as the Committee considers advisable and as set out in the Decision. If the Committee imposes terms/conditions, it may require the owner of the land to enter into one or more agreements with the Township dealing with some or all of the terms and conditions, and this agreement requirement shall be set out in the Decision of the Committee. This agreement may be registered on title against the land, such that the Township can enforce the agreement against the owner, subject to the *Registry Act* and *Land Titles Act*, and all subsequent owners of the land (as per the *Planning Act*, Sections 45 (9) conditions (9.1) Agreement re: terms and conditions and (9.2) Registration of agreement).

It is noted that there is no appeal opportunity by area property owners to a minor variance decision, given recent Provincial amendments to the *Planning Act*. The Township still holds appeal rights to any decision of the Committee of Adjustment as do certain prescribed bodies.

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 Public Works and Planning staff were both 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.

Under Section 9.10.3.4 of the Official Plan, and the Provincial Screening Criteria for Archaeological Assessment, the property is within an area of archaeological potential, as it is located within 300 m of the St. Lawrence River. As the subject property is an existing developed lot with a residential dwelling, it is proposed by planning staff in order to address this, there be a condition included in the Decision that, if any archaeological artefacts are unearthed during the construction they be reported to the appropriate authority.

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

Under Zoning By-law 2965, as amended, the subject property is zoned Waterfront Residential (RW) Zone. The RW zone requires a minimum lot area of 0.4 ha (1 ac.) and lot frontage of 30 m (98.4 ft.) for single detached dwelling use. The subject property is a 0.77 ha (1.91 ac.) lot with 45.7 m (150 ft.) lot frontage on County Road 2, exceeding current minimum lot area and frontage requirements in the RW zone.

A new 180.6 sq.m. (1,944 sq.ft.) detached garage/storage building is proposed, to be located between the existing dwelling and County Road 2. The structure is to be a five (5) bay garage with a second-floor loft area (storage/accessory use only).

Under Zoning By-law Section 6.1.1, Accessory Buildings, Structures and Uses, the maximum gross floor area of any accessory building may not exceed 100 sq.m. (1,076 sq.ft.) in a residential zone. Relief from the maximum height of an accessory building in the RW zone (Section 7.4.2) is also required, where accessory buildings are permitted a maximum height (mean) of 5 m (16.4 ft.), and where the detached garage with loft will have a height (mean) of 7.85 m (25.75 ft.). The height is understood to be needed to accommodate the storage of recreational vehicles as well as an added 2nd-floor loft/storage area.

In Rural zoned areas, accessory buildings/structures are permitted to be larger than in the Residential zoned areas in the Township. The Rural zone permits up to a maximum size of 300 sq.m. (3230 sq.ft.). The larger building size in the rural areas reflects the general overall larger lot sizes, and the more rural-type uses of these buildings (rural vehicles/equipment storage, etc). The subject property is a 0.773 ha (1.91 ac.) lot., which could be considered more reflective of a typical rural lot size. It appears that the subject property can easily accommodate a larger accessory building structure. The lot coverage maximum in the RW zone is 20% and the proposed detached garage will result in a 3.84% lot coverage, well under the maximum allowable.

The proposed detached garage/storage building otherwise exceeds all minimum setbacks to property lines/river, etc.

The general intent of limiting the size and height of accessory buildings and structures is to ensure that the accessory uses remain secondary/subservient to the main use occurring on the property. In this particular case, the main use of the property is a residential dwelling. The existing dwelling is proposed to be rebuilt with a resulting gross floor area of 399.6 m. (4,301.4 sq.ft.). The new 180.6 sq.m. (1,944 sq.ft.) detached garage is to be much smaller in size than the main dwelling use. The zone provision limiting accessory building sizes is also to minimize impact on neighbouring properties and maintain residential character, such as by prohibiting excessively large accessory buildings/garages in a residential neighbourhood, further discussed below.

The proposed detached garage/storage building otherwise exceeds all minimum setbacks to property lines/river, etc.

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.

The maximum accessory building size of 100 sq.m. (1,076 sq.ft.) in a residential zone reflects the smaller general lot size minimum in the residential zones of 0.4 ha (1 ac.). The subject property is a larger residential lot with an existing lot size of 0.773 ha (1.91 ac.) which is almost double the minimum size requirement in the RW zone. The property is also just under the 2 ac. lot size currently required in rural areas for residential uses. Given this larger lot size, the proposed 180.6 sq.m. (1,944 sq.ft.) accessory building, where a maximum of 100 sq.m. (1,076 sq.ft.) is permitted, would appear to be minor by planning staff.

The neighbouring properties of 1321 Couty Road 2, located to the left/northeast, and 1315 County Road 2, located to the right/southwest, would be most immediately impacted by the proposed detached garage/storage building.



Pic. 1 – Looking south-east towards the St. Lawrence River- viewed from County Road 2



Pic. 2 –Viewing to the north-east, to the proposed garage location, towards 1321 County Road 2



Pic. 3 –Viewing to the south-west, from the proposed garage location, towards 1315 County Road 2

In viewing the properties on-site, it does not appear that there will be significant visual or shadowing impacts on these neighbours. The site plan includes a number of existing trees along the side property lines and it appears that these trees are proposed to be

retained. Only some smaller trees at the centre of the lot are proposed for removal on the site plan.

The most immediately impacted property with this application is 1321 County Road 2, located to the left/southwest of the subject property. A 3m setback from the new detached garage to this shared side property line is proposed. This meets the minimum required setback in the RW zone and should provide for adequate egress around the building for maintenance, etc. No comments have been received from the property owner at 1321 County Road 2 to date.

Given the proposed size and height variance requests, it may be of benefit to remind the property owners that it is their responsibility to ensure no off-site impact with respect to drainage/roof runoff. Planning staff are recommending this be included as a note on the Decision to bring this to their attention.

A letter has been received from the property owner of 1325 County Road 2. The letter advises that they object to the building being construed at a greater size than the Zoning By-law permits. GIS imagery is attached to this staff report showing the approximate location of the detached garage (note: property line overlay layer is slightly off in this area over the airphoto, so the location of the property lines is not precise). The proposed garage would appear to be located 27m (89 ft.) +/- to the rear/south corner of the 1325 County Road 2 property line and 55m (180 ft.) to the dwelling itself. It is not clear from the letter received the exact nature of the neighbour's concerns. The area appears to slope/drain to the south towards the St. Lawrence River, so it is not anticipated that there would be any drainage concerns for this property. Additionally, the considerable distance to the new garage would not appear to create any shadowing or egress concerns for the lot at 1325 County Road 2. Should the concern relate to the potential impact on their river view, it is understood by planning staff and recently confirmed by the Township's solicitor, that there is no legal right to a view.

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 A01/25 appears to meet all four tests of assessment under the *Planning Act* to meet approval, 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.




Respectfully submitted,
Melissa Banford
Planner
Township of Augusta

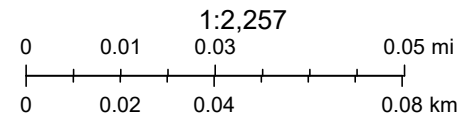
Attachment: GIS Airphoto Imagery

A01/25 Proposed Garage Location +/-



2025-03-04, 11:43:25 a.m.

 Parcel  LG_RoadNetwork
 County Road



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

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



**MINOR VARIANCE APPLICATION A02/25
1106 County Road 2
Con. 1, Pt. Lot 36 & 37**

**To be held on Wednesday, March 5, 2025 at 11:00 a.m.
at the Augusta Township – Council Chambers
3560 County Road 26, Maynard, Ontario, K0E 1T0**

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.) +/-.

Refer to the **attached** Location Map of the severed lot and retained lands and Site Sketch showing the location of the existing barn structure on the severed lot.

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 9:00 a.m. on the hearing date, to ensure comments are received in time.

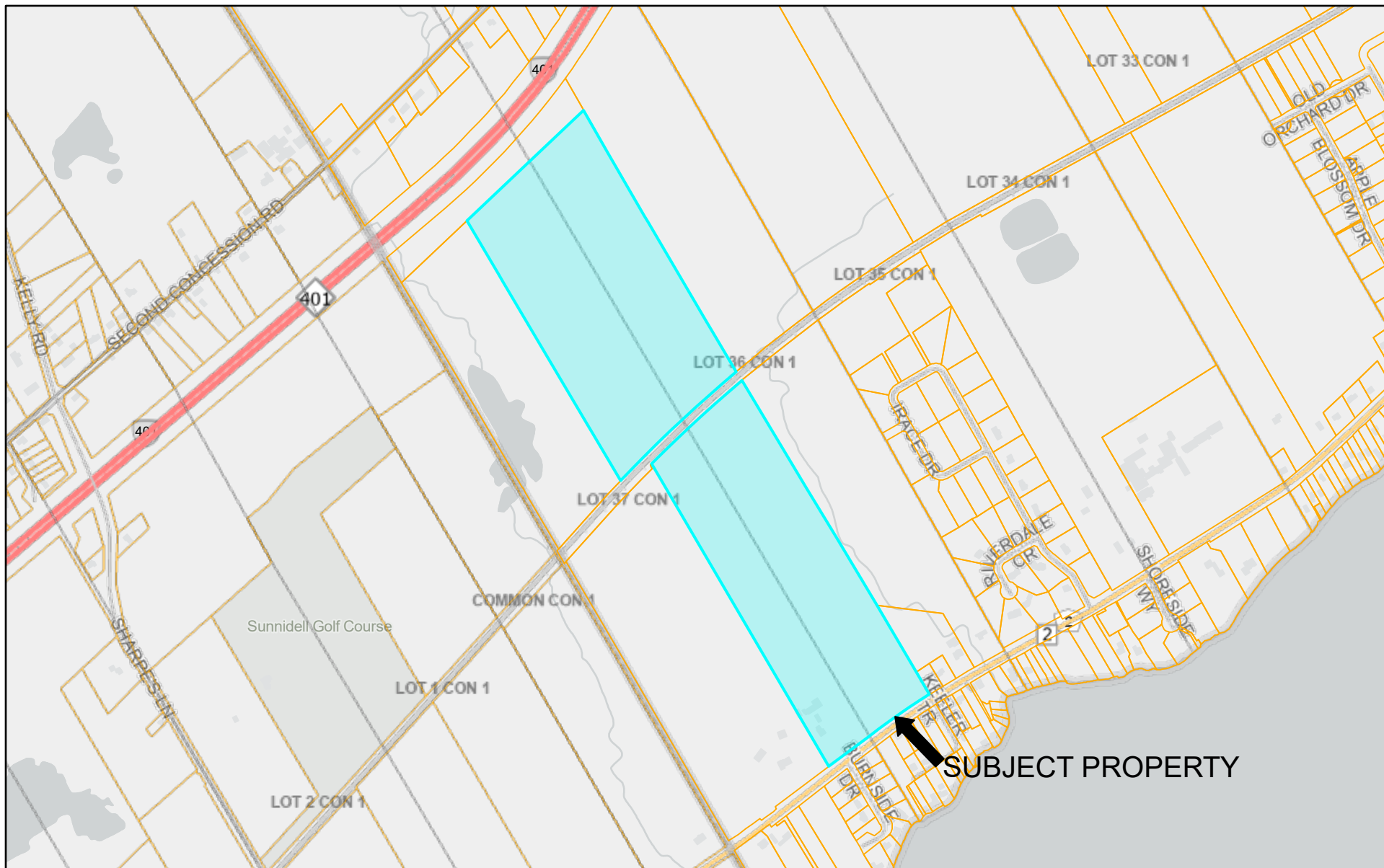
A COPY OF THE DECISION of the Committee will be sent to the applicant/agent, and to each person who appeared in person or who was represented at the public hearing AND who file a written request to receive the decision with the Secretary-Treasurer.

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







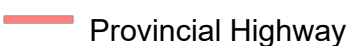
DATED: February 21, 2025
Melissa Banford, Secretary-Treasurer
Committee of Adjustment
Township of Augusta

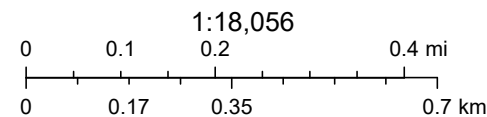
Attached - Location Map and Site Sketch.

A02/25 LOCATION MAP



2025-01-06, 11:12:54 a.m.

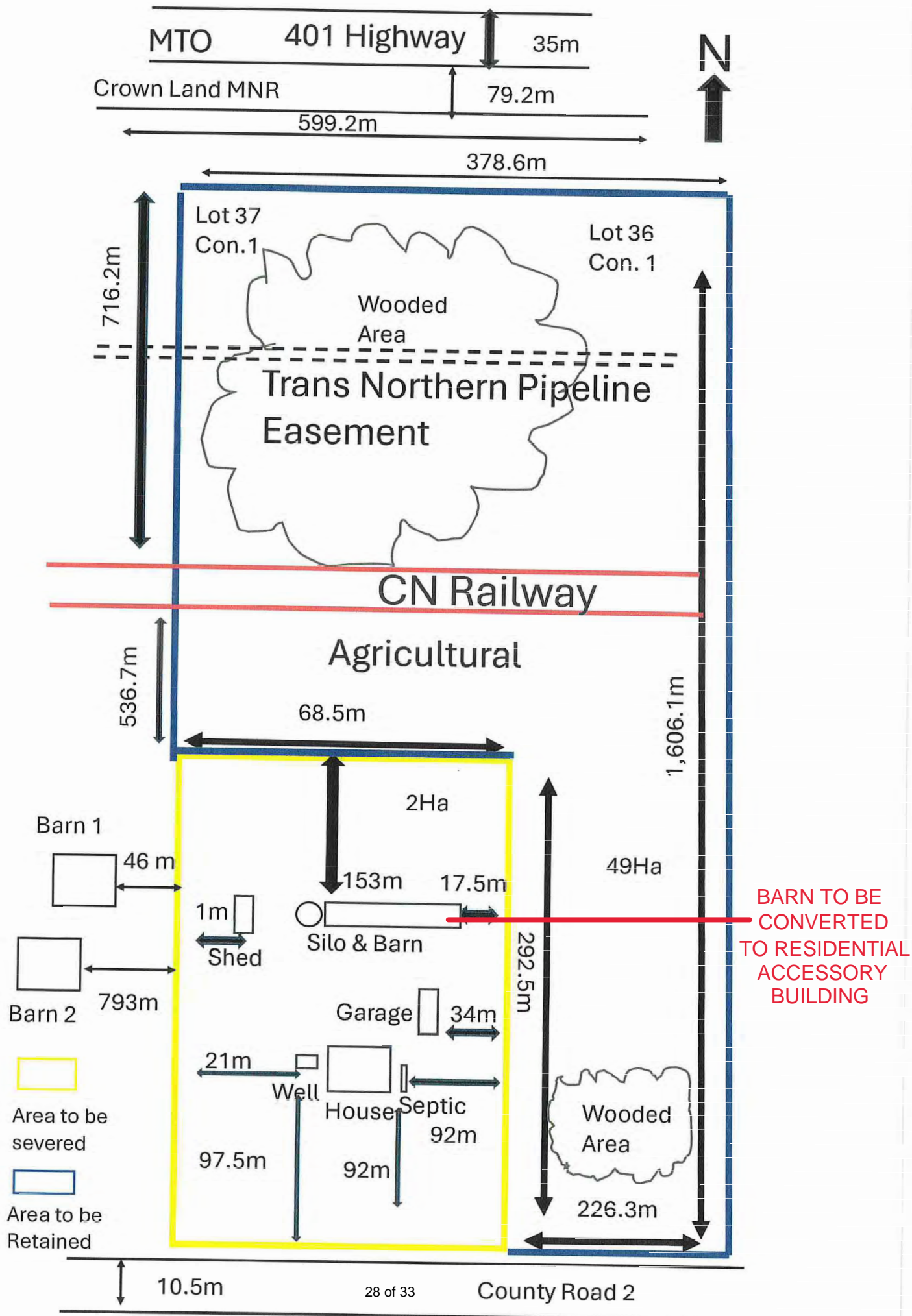
- | | | |
|--|--|--|
|  Roll Number _Query result |  LG_RoadNetwork |  Municipal Road |
|  Parcel |  County Road |  Other Road |
| |  Provincial Highway | 27 of 33 |



Teranet 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.



**REPORT to the
AUGUSTA TOWNSHIP
COMMITTEE OF ADJUSTMENT**



**MINOR VARIANCE APPLICATION
Under Section 45 of the Planning Act**

**File No. A02/25
1106 County Road 2 (Trip)
Hearing Date: March 5, 2025**

LOCATION

The subject property is located in Part Lot 36 & 37, Concession 1 (Part of 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. Conditional approval of this severance was granted on February 26, 2025.

Under B-140-24, the existing dwelling and accessory structures at 1106 County Road 2 are proposed to be severed as a 2 ha (4.94 ac.) +/- residential use lot. A 49 ha (121 ac.) +/- vacant lot is 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, including potential hobby farm 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 was a recommended condition of approval on Severance B-140-24 (Condition 7).

PURPOSE OF THE APPLICATION:

The property is zoned Rural (RU) 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.) +/-.

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?

If an application is granted by the Committee, it may be subject to terms and conditions as the Committee considers advisable and as set out in the Decision. If the Committee imposes terms/conditions, it may require the owner of the land to enter into one or more agreements with the Township dealing with some or all of the terms and conditions, and this agreement requirement shall be set out in the Decision of the Committee. This agreement may be registered on title against the land, such that the Township can enforce the agreement against the owner, subject to the *Registry Act* and *Land Titles Act*, and all subsequent owners of the land (as per the *Planning Act*, Sections 45 (9) conditions (9.1) Agreement re: terms and conditions and (9.2) Registration of agreement).

It is noted that there is no appeal opportunity by area property owners to a minor variance decision, given recent Provincial amendments to the *Planning Act*. The Township still holds appeal rights to any decision of the Committee of Adjustment as do certain prescribed bodies.

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' Public Works and Planning staff have been circulated the Notice and no comment has been received to date.

Augusta Township Official Plan

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

The property appears to be designated Rural under Land Use Schedule A. There are also some Bedrock Resource 500m adjacent lands located on the property under the Development Constraints on Schedule B of the Official Plan.

The Rural policy area permits low-density residential and agricultural uses.

The subject lands (severed lot under severance application B-140-24) is proposed for continued residential use and will also have hobby farm potential.

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

Under Zoning By-law 2965, as amended, the subject property is zoned Rural (RU) Zone.

The subject property (severed lands under B-140-24), will have a resulting lot size of (2 ha) 4.94 ac. +/- and 68.5 m (225 ft.) +/- road frontage. The severed lot includes the existing dwelling and accessory buildings/structures located at 1106 County Road 2 and is proposed for residential use. The lands will meet the minimum lot size requirements of 0.8 ha (1.98 ac.) and 30 m (98.4 ft.) for residential use in the RU zone.

Hobby farm use/buildings are also permitted in the RU zone as an “accessory use” to a single residential dwelling under Section 7.17.3 of the Zoning By-law, provided the lot has a minimum lot size of 2 ha. (5 ac.) and 38 m (124.7 ft.) road frontage. Any livestock buildings, cages or compounds are required to meet a minimum setback of 10 m (32.8 ft.) to all property lines. The subject property appears to meet/exceed all of these requirements.

Any livestock facility or manure storage areas are also subject to meeting Minimum Distance Separation (MDS). The purpose of MDS is to address any potential odour conflicts with area residential uses. The exact MDS setback is based on the number and type of animals.

The existing old barn located on the subject property is the subject of this minor variance application. It is understood that this structure was originally a dairy barn, but has not been used for livestock in many years, and is currently used as residential storage. This existing barn will have hobby farm use potential as a residential accessory use.

In the RU zone, agricultural uses/buildings do not have the same size and height limitations as residential accessory uses/buildings. As a result of the severance, the severed lot will no longer have agricultural uses as it does not meet the minimum lot area of 20 ha (49.42 ac.) required for agricultural use in the RU zone. This building will be permitted as a residential accessory building (storage and/or hobby farm use) which triggers the need for Minor Variance relief. The existing 383.7 sq.m. (4,130 sq.ft.) +/- structure exceeds the 300 sq.m. (3,230 sq.ft.) maximum gross floor area permitted under Section 6.1.1 of the Zoning By-law for residential accessory buildings.

The height maximum of an accessory structure in the RU, Rural Zone of 6.5 m (21.3 ft.) mean height is also exceeded by this existing structure. As a residential accessory building, a maximum height of 6.5 m (21.3 ft.) is permitted and this existing two (2) storey accessory building has an approximate height of 15 m (49.5 ft.) +/-.

As part of the severance approval consideration by the Township, Minimum Distance Separation (MDS) was not assessed for this barn. It was not anticipated by Planning staff in their assessment of the severance, that MDS could be met from this barn to the new

vacant lot being created under severance application B-140-24. To permit the severance, and exclude this barn from MDS consideration to the new building lot/retained lands, a Building Permit/Change of Use Permit was also included as a Condition of severance approval by the Township for the conversion of the existing barn structure to residential accessory use. The barn can be used for hobby farm use, however, only a maximum area of 10 sq.m. (107.6 sq. ft.) can be used for the housing of livestock. Under Guideline #3 of the Minimum Distance Separation (MDS) Document (Publication 863), livestock barns occupying an area less than 10 sq.m/ are exempt from meeting MDS requirements. Should an area greater than 10 sq.m. be proposed for livestock from within this exiting barn, MDS will need to be assessed and met. This has been included as a staff-recommended note on the Decision, to bring this to the current/future property owner's attention.

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

The barn structure is an existing structure on the property. No new buildings/structures are currently proposed. Given the long history of the barn on this property (circa 1930s) and that no changes are proposed other than the change of use from agricultural use to residential/hobby farm use, it is not anticipated that these requested variances will have a significant impact. The existing structure is also set back a considerable distance from County Road 2 and abutting properties and is mostly visible only when you are on the property, given the existing trees and vegetation in this area.



Pic. 1 – Looking north from the location of the existing dwelling.

As such, it is not anticipated that this application will result in any negative impacts on area property owners.

No comments have been received from neighbouring property owners in relation to this Minor Variance application.

RECOMMENDATION

Minor Variance A02/25 appears to meet all the four tests of assessment under the *Planning Act* to meet approval, 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.

Respectfully submitted,
Melissa Banford
Planner, Township of Augusta