

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

Committee:	Committee of Adjustment
Application:	Permission, Section 45(2)(b) of the <i>Planning Act</i>
File Number:	A-11-25
Public Meeting Date:	November 5, 2025
Property Location:	112 Dobbie Road
Property Description:	Concession 8, Part Lot 1
Roll Number:	070170104500202
Owner:	Skyview BESS Inc.
Agent:	MHBC Planning Inc.

PROPOSAL AND PURPOSE OF THE APPLICATION:

The purpose and effect of this Application for Permission (A-11-25) made under Section 45(2)(b) of the *Planning Act*, is to seek permission to clarify the permitted uses of the subject property which are defined in general terms, to permit a use which, in the opinion of the Committee, conforms with the uses permitted in Zoning By-Law Number 2022-37 to permit the dwelling to be used as accessory to the public use (Skyview BESS Project) located at 206 Dobbie Road. The applicant proposes using the dwelling as an operation and maintenance building to support the BESS facility on the adjacent property during the lifecycle of the BESS facility and intended to be reinstated as residential or removed once the BESS facility is decommissioned.

PERMISSION REQUEST

This application is for permission under Section 45(2)(b) of the *Planning Act* which states:

Section 45: Other powers

(2) In addition to its (the Committee's) powers under subsection (1), the committee, upon any such application,

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.
R.S.O.1990, c P.13, s.45(2).

CURRENT DEFINITION

PUBLIC USE: shall mean the use of land, buildings or structures for the supply of public services by the Corporation, the United Counties of Leeds and Grenville, the Governments of Ontario or Canada, any agencies, boards commissions or authorities thereof, and any company providing electricity, natural gas, wired or wireless communications or rail transportation. Without limiting the generality of the foregoing, among other uses, this shall include correctional institutions, hospitals, and long term care homes.

PROPOSED DEFINITION

PUBLIC USE: shall mean the use **or associated use** of any land, buildings or structures for the supply and **operation** of public **uses** or services by the Corporation, the United Counties of Leeds and Grenville, **the Township**, the Governments of Ontario or Canada, any agencies, boards commissions or authorities thereof, and any company providing electricity, natural gas, wired or wireless communications or rail transportation. Without limiting the generality of the foregoing, among other uses, this shall include correctional institutions, hospitals, and long term care homes.

DECISION AND REASONS OF THE COMMITTEE:

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance(s) requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the *Planning Act*, concur in the following decision made during the Committee's public meeting on **November 5, 2025**.

Decision: Approved, subject to the following conditions.

Conditions:

No conditions

Attachments:

1. Location Map

Reasons for Decision:

1. Does the application maintain the general intent and purpose of the Official Plan?

The subject property is designated as Agricultural Resource Policy Area in the Townships Official Plan. The goal of the Agricultural Resource Policy Area is to identify and protect areas of prime agricultural soils for long-term agricultural use.

Permitted uses include agricultural uses, agricultural related uses, on-farm diversified uses, a residential dwelling and accessory dwelling and accessory uses and structures replaced to the primary use.

The subject lot is developed with a single detached dwelling and detached garage with private on-site services (well and sewage disposal system). The proposed use of the property as a staffing, operations and equipment/ maintenance storage area will not result in the loss or repurposing of prime agricultural lands.

Section 6.6 provides policy regarding Public Uses and Institutional Uses.

Public utility facilities subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan.

Other public utility and municipal services and facilities, including community, institutional or quasi-institutional uses which provide services such as education, government, hospitals, protection to persons and properties, electricity, road, airports, railways, wired and wireless telephone, gas cable, but excluding waste disposal, to the general public, are permitted in all land use designations in the Official Plan.

Public uses are permitted on lands designated as Agricultural Resource Policy Area and the proposed use of the residential dwelling and detached garage as a staffing, operations center and area for the storage of maintenance supplies and equipment for the primary use (BESS Operation) is in keeping with the intent of the Official Plan and will not result in the removal or repurposing or use prime agricultural lands.

It is the opinion of staff that the application for permission is in keeping with the policies of the Official Plan.

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

The subject property is zoned Agricultural (A) Zone in Zoning By-Law Number 2022-37, as amended. Public uses are permitted in the 'A' zone through Section 4.8, Public Uses which states:

1.8 Public Uses

1. Except in the case of lands zoned EP-PSW and EP-ANSI, any land may be used and any building or structure erected or used for the purpose of a public use, provided that lot coverage, setback and yard requirements of the zone in which such land, building or structure is located shall be complied with, except in the case of towers, poles, lines and transmission facilities for natural gas, electricity, cable, water, storm and sanitary sewage and wired and wireless communications.

2. Where a public use is to be located in the Flood Plain Hazard Overlay Zone, Section 5.7.1 shall apply and, further, no public use that includes institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances shall be permitted.

The proposed use of the subject property is associated to the principle use (Skyview BESS Project) on an abutting parcel of land. The definition of a Public Use in the zoning by-law is silent, however it is implied, on the matters of using an abutting lot or a lot within vicinity of the principle use as an associated or accessory use.

The applicant proposes to amend the current definition with the highlighted wording which will provide further clarification for uses accessory to the principal use on other lands. The proposed additional wording is **bolded** below.

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It is the opinion of staff that the application for permission, meets the general intent of the Zoning By-Law as it will clarify and permit an abutting parcel of land to be used as an associated use to the principal use on another lot.

3. Is the proposal appropriate and desirable or result in undue adverse impacts on the surrounding properties and neighbourhood?

The owner/applicant of the subject property is the owner/operator of the proposed Skyview BESS Project at 206 Dobbie Road. The applicant purchased the subject property (112 Dobbie Road) in anticipation of using the residential dwelling as a staffing and operational center while the development at 206 Dobbie Road is being developed. The dwelling will be used to provide an office and central meeting space during development and provide a rest area for staff. The attached and detached garages on the property will provide secure storage of maintenance equipment and material during and after development.


The surrounding area is predominantly agricultural uses (cash crop) with limited existing residential scatter along Dobbie Road. The use of the property is not anticipated to have any negative impacts on the continued use of the abutting properties, traffic or change the streetscape.

The dwelling is set back from the road and is not easily visible along the travelled road or within the line of site of existing residential dwellings in the area.

A change in use permit is not required as the site will continue to house the site/operations manager during development and will not be solely as an office or industrial use. The intent of this temporary use will allow the dwelling to be used a residential dwelling in the future.


Stephanie Summers (chair)


Donald Gibson


Tim Nason

MAKING AN APPEAL

The applicant, the Minister or a specified person or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the Committee. *Planning Act 45 (12)*

Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of this Minor Variance may be made by filing a notice of appeal with the City Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service> by selecting Township of Edwardsburgh Cardinal as the Approval Authority or by mail to P.O Box 129, Spencerville ON K0E 1X0.

The last date for filing of appeal of this decision is the 20 days from decision at 4:30 p.m. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$400 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to tfisher@twpec.ca.

OTHER ASSOCIATE APPLICATIONS

The subject land is the subject of an application under the Act for:

- Not Applicable
- Approval of a plan of subdivision (under section 51)
- Consent (under section 53) File: _____ Status: _____
- Previous application (under section 45)

CERTIFICATION

I, Tim Fisher, Secretary Treasurer Committee of Adjustment, certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this 5thth day of November, 2025



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

ATTACHMENT:
LOCATION MAP

