

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

Committee: Committee of Adjustment
Application: Minor Variance, section 45 of the *Planning Act*
File Number: A-07-25
Public Meeting Date: July 23, 2025
Property Location: 114 and 208 Dobbie Road
Property Description: Concession 8, Part Lot 2
Roll Number: 070170104500203, 070170104500300
Owner: J.F. Dobbie and Sons Limited and 1159305 Ontario Inc.
Agent: MHBC Planning

Proposal and Purpose of the Application:

The purpose and effect of minor variance application A-07-25, is for a development which will straddle two properties on Dobbie Road. A variance is requested to reduce the minimum interior side yard setback in the Rural (RU) zone in Zoning By-Law Number 2022-37, to permit structures related to the proposed battery storage facility to be located 1.2 metres to the shared property line on both properties. The reduction in the minimum side yard setback requirement will only be applied to the proposed area of development and not along the entire property line.

Requested Variance to Zoning By-Law No. 2022-37:

1. Section 12.1(2), Interior Side Yard (minimum)
Requirement – 6 metres
Requested – 1.2 metres

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 **July 23, 2025**.

Decision: Approved, subject to the following conditions.

Conditions:

1. Limitation: That the approved variance is applied only to the area of the proposed development as per the attached concept drawing and is not applied to the entire length of the common lot line between the two subject lots.

Attachments:

1. Approved Concept Drawing – prepared by MHBC, dated June 18, 2025.

Reasons for Decision:

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

The subject property has split land use designations. The southern half of the parcels are designated as Agricultural Resource Policy Area, and the northern half of the parcels are designated as Rural 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.

The goal of the Rural Policy Area is to provide for the long-term orderly development of the rural lands in a manner which is consistent with ensuring the protection of natural and environmental resources, while providing opportunities for a modest amount of compatible development and a diversified rural economy.

The proposed development and the requested variance is located entirely within the Rural designated lands and is not anticipated to have any impacts on the agricultural and residential uses on the abutting properties. The proposed use is permitted in the Rural designation and the requested variance it to accommodate development which

straddles two properties and is therefore in keeping with the policies of the Official Plan.

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

The properties are zoned Agricultural (A), Site Specific Agricultural (A-6) and Rural (RU), in Zoning By-Law Number 2022-37, as amended.

The Agricultural (A) zone permits agricultural uses and a residential dwelling. A portion of the lot is zoned Site Specific Agricultural (A-6) which restricts residential development on the subject property within the subject zone.

The northern half of the subject lots are zoned Rural (RU) which permits agricultural, residential uses and a variety of rural related uses which includes "Public Uses".

The requested variance is technical in nature as the proposed development will be partially located on two lots. Setbacks are treated to the existing lot lines therefore the applicant requests a reduction of the interior side yard setback from the Rural (RU) zone to accommodate the proposed development.

The proposal is site specific, and the requested variance meets the general intent of the Zoning By-Law.

3. Is the application minor in nature?

The proposal maintains the residential character of the settlement area and is anticipated to have no negative impacts on the abutting agricultural lands or inhibit their continued use. The proposal is in keeping with the province's integrated energy plan, "Energy for Generations", which aims to ensure a reliable and affordable supply of clean energy, while supporting economic growth. This includes expanding hydroelectric facilities, investing in battery storage, and promoting energy efficiency programs.

The proposed development will have frontage on an open and maintained township road and will be located outside of the agricultural designated lands. The development is subject to

Details regarding the development are subject to the site plan control application process. Issues such as, but not limited to fire control, street access, grading, storm water management, buffering and screening, adjacent sensitive land uses (odour, noise, vibration and other emissions), and provincial review and approvals will be addressed through the site plan control application process.

A site plan agreement will be registered on title of the properties which will address the proposed development and include any recommendations or warning clauses as a result of the review of submitted documentation or suggested by internal and external agencies.

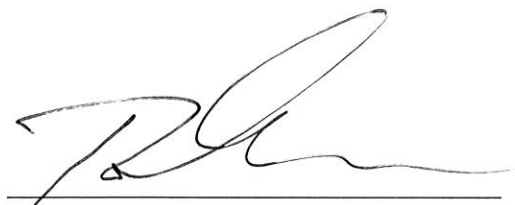
It is the opinion of staff that the requested variance is in keeping with the policies of the Official Plan and Zoning By-Law provisions and will not result in any negative impacts on the abutting lands or their continued use and is therefore considered minor in nature.

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

The subject properties, its location to the transmission corridor and its distance from sensitive uses makes the area suitable for a Battery Energy Storage System (BESS) facility due. Only part of the land will be used for the facility, allowing the primary agricultural use to continue. The facility will be temporary and decommissioned at the end of its life.

A reduced side yard setback of 1.2 metres is proposed to allow efficient use of the lot, which is deemed appropriate since it affects only family-owned land and poses no compatibility issues with undeveloped adjacent lands or existing agricultural uses or agricultural designated lands.

The applicant has demonstrated that development will be functional and will comply with the remaining requirements of the Rural (RU) zone, therefore the requested variance is considered to be desirable for and appropriate for development for the subject lot.


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 24th day of July, 2025



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

