

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

Committee: Committee of Adjustment
Application: Minor Variance, section 45 of the *Planning Act*
File Number: A-06-25
Public Meeting Date: June 4, 2025
Property Location: 711 County Road 21
Property Description: Con 6, PT Lot 7
Roll Number: 070170103507900
Owner: Ben Sayah & Antoinette Nesrallah
Agent: Ben Sayah & Antoinette Nesrallah

Proposal and Purpose of the Application:

The purpose and effect of minor variance application A-06-25, is to reduce the minimum lot area requirement in the Hamlet Residential (RH) zone, to recognize the severed parcel in consent application B-11-25.

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

1. Section 6.4.2 – Converted dwelling, Duplex dwelling, Single dwelling, Lot area (min)
Requirement – 0.4 ha
Requested – 0.15 ha

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 **June 4, 2025**.

Decision: Approved, subject to the following conditions.

Conditions:

1. That the owner/applicant is advised that approval of this minor variance application is subject to satisfying all conditions of provisional approval for consent application B-10-25 and B-11-25 and the issuance of the Certificate of Official. Failure to satisfy the conditions of consent will result in this minor variance approval to be null-in-void.

Attachments:

1. Approved Sketch – prepared by Ben Sayah & Antoinette Nesrallah,

Reasons for Decision:

1. Does the application maintain the general intent and purpose of the Official Plan?
The subject property is designated as Settlement Policy Area in the Townships Official Plan and subject to the policies of Section 3.1. The Settlement Policy Area designation is intended to be the areas of the Township where growth will be focused in order to optimize the use of public services and infrastructure, and to minimize the outward sprawl of development into areas of natural resources and natural heritage.

The proposal to protect and enhance the existing residential uses and the rehabilitation and conversion of the vacant Church to a single detached dwelling is in keeping with the goals and objectives of the Settlement Area Policy designation. The severance to separate the two dwellings on the one lot will provide separate title to each dwelling allowing for each dwelling to have individual ownership. The lot addition will provide lands to the rear of the property at 709 County Road 21 (retained lot) which will provide a rear yard for the converted church and access to the remaining portion of land at the rear of the severed lot at 711 County Road.

The variances are required to satisfy the conditions of consent for each consent application. The requested variances will recognize the lot areas of each resulting lot and the lot frontage at 709 County Road 21.

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

The subject properties are zoned Hamlet Residential (RH) in Zoning By-Law Number 2022-37, as amended. A single dwelling on private services is a permitted use in the RH zone. Each resulting lot and its existing single detached dwelling on private services comply with the permitted uses in the RH zone.

Each resulting lot will not comply with the minimum lot area requirement of 0.4 hectares while the retained lot municipally addressed as 709 County Road 21 will not comply with the minimum road frontage requirement of 30-metres. Any encroaching structures on the subject property shall be treated as a structure and will be calculated as part of the lot coverage and comply with other requirements of the R2 zone.

The proposed lot area and frontages are similar to existing residential lots in the Hamlet of Shanly. The applicants' consent sketches illustrate that each residential development and its services will be located on its own property and that each lot will be functional for their continued residential purposes.

In conclusion, Planning staff is satisfied that each resulting lot and the requested variances as a result of consent applications B-10-25 and B-11-25, meets the intent of the Zoning By-Law for their intended residential use.

3. Is the application minor in nature?

The proposed parcel fabric and the requested variances will maintain the residential character of the settlement area (Hamlet of Shanly) and are anticipated to have no negative impacts on the abutting lands or inhibit their continued enjoyment of their properties. There will be no visual change to the streetscape as each the consent will only establish the lot lines for each of the existing dwellings. No new dwelling will result from the proposal.

Each resulting property will have frontage on an open and maintained County Road and each dwelling will have its own private onsite water (well) and sewage disposal system entirely located on their own parcel of land.

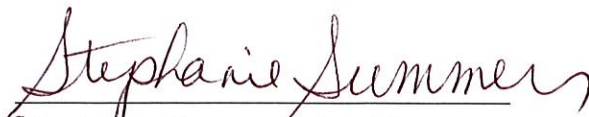
The requested variances are in keeping with the policies of the Official Plan and Zoning By-Law provisions and will not result in any negative impacts on the abutting lands or their continued use and are therefore considered minor in nature.

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

The proposed lot area and frontages are similar to existing residential lots along County Road 21 in the Hamlet of Shanly. The applicants' consent sketches illustrate that each residential development and its services will be located on its own property and that each lot will be functional for their continued residential purposes.

Each resulting lot will maintain their separate accesses to County Road 21 and will therefore have no impacts to the streetscape or traffic.

The applicant has demonstrated that each resulting lot and its development will be functional for the residential use and will comply with the remaining requirements of the RH zone, therefore the proposal is considered to be desirable for and appropriate.


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: B-10-25 and B-11-25 Status: Provisional Approval
- ☐ Previous application (under section 45)

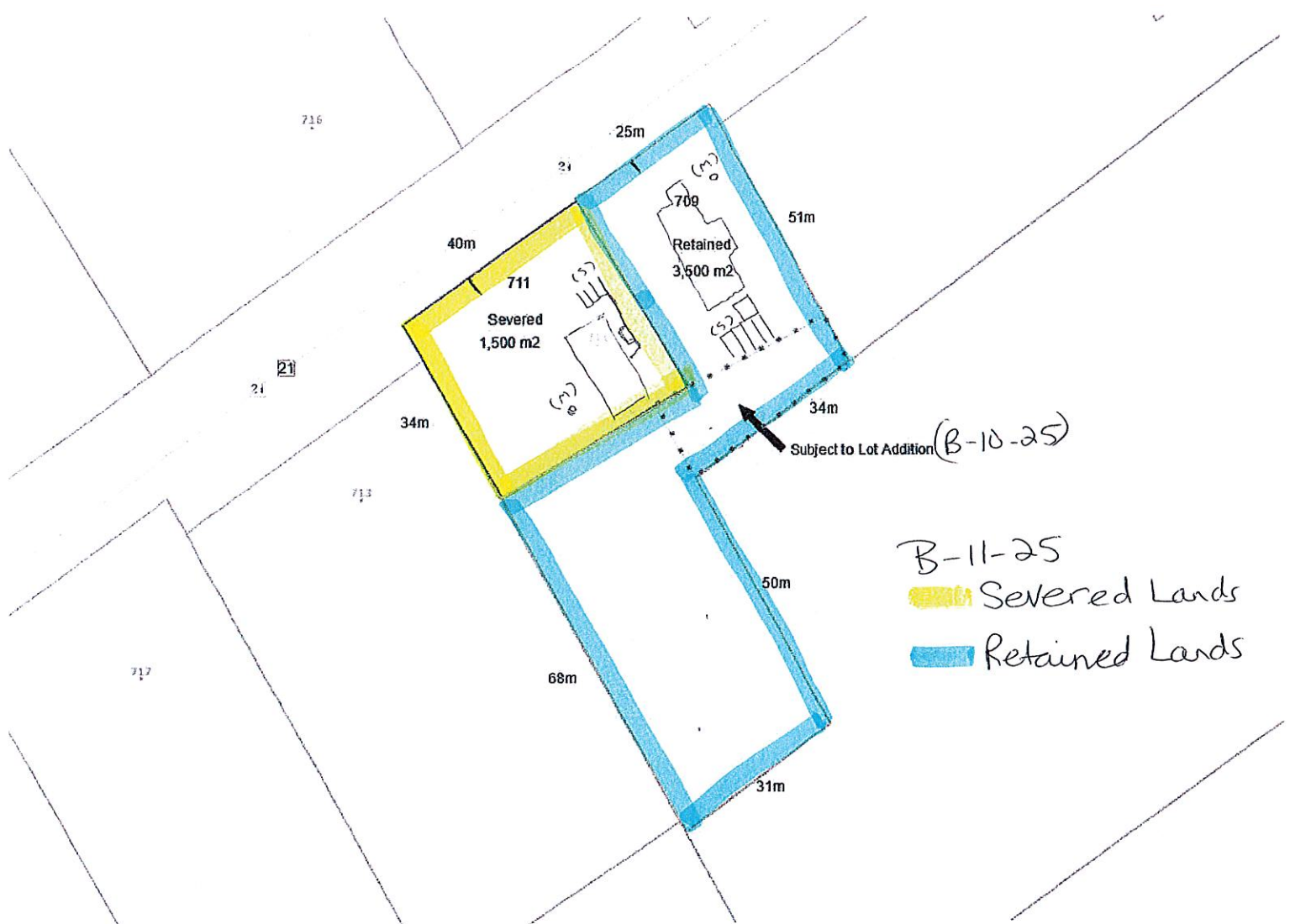
CERTIFICATION

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 5th day of June, 2025



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



B-11-25
Severed Lands
Retained Lands

