

NOTICE OF DECISION

MINOR VARIANCE/ PERMISSION

COMMITTEE:

Committee of Adjustment

APPLICATION TYPE

Minor Variance

Section 45 of the *Planning Act*

FILE NO.

A-01-26

PROPERTY LOCATION:

1704 Ventnor Road

PROPERTY DESCRIPTION:

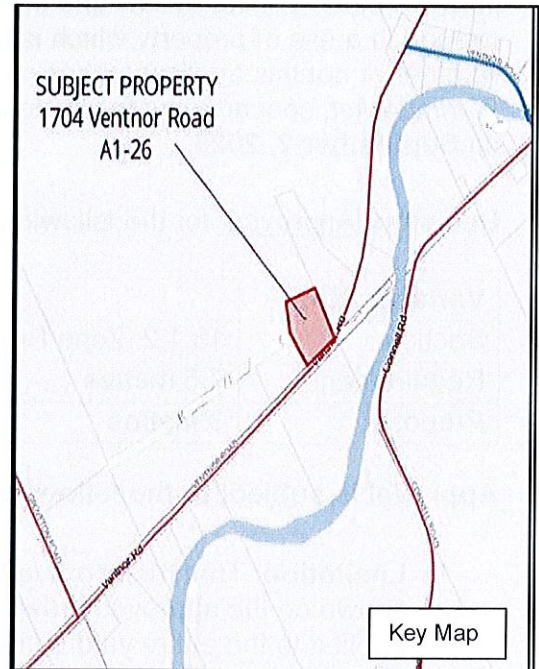
Concession 8, Part Lot 17

ROLL NUMBER:

070170104505102

OWNER/ APPLICANT:

Nick Beentjes

**PROPOSAL AND PURPOSE OF THE APPLICATION:**

The purpose and effect of Minor Variance Application A01-26, is to obtain relief from the provisions of Zoning By-Law Number 2022-37, to reduce the minimum front yard setback of an accessory structure in the Agricultural Zone to permit the construction of a 53 square metre detached garage, adjacent to the shared driveway/ lane over an unopened road allowance.

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 **September 2, 2026**.

Decision: Approved, for the following variances:

Variance No. 1	
Section	13.1.2, Zone Provisions, Front Yard (min)
Requirement	7.5 metres
Proposal	3 metres

Approval is subject to the following conditions:

1. **Limitation:** That the approved minor variance applies only to detached garage as shown on the approved drawings attached to the notice of decision and is not applied to the entire yard setback.
2. **Grading and Drainage:** The owner/applicant shall ensure that grading and drainage shall not adversely impact the abutting parcels of land and their uses and on the unopened road allowance.
3. **Building Permit Application:** The owner/applicant shall provide a copy of the Notice of Decision to the Building Department together with a copy of the approved drawings, when they make application for a Building Permit.

Attachments:

1. Approved Sketch – Prepared by owner/ applicant

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 policy is to identify and protect areas of prime agricultural soils for long-term agricultural use.

The subject property is an existing 0.8 hectare parcel of land which is developed with a single-detached dwelling with private on-site services. The agricultural policy goal is to protect prime agricultural lands however it also recognizes existing residential development and the continued use and accessory uses associated with residential uses. The proposed detached garage will not result in the removal of agricultural lands which is currently in production and will provide the homeowner with secure parking which is in keeping with rural residential development.

The detached garage will not result in the need for a minimum distance separation calculation as no new residential dwelling is proposed.

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

The subject property is zoned Agricultural (A) in Zoning By-Law Number 2022-37, as amended.

The Agricultural zone permits a single-detached dwelling and agricultural uses. Accessory structures and uses such as a detached garage are subject to Section 3.1 of the Zoning By-Law. The detached garage is permitted as an accessory use to the principle residential use. An accessory use located in a Rural or Agricultural zone is permitted to be setback a minimum of 3 metres from a side and rear lot line. Since the location of the proposed garage is adjacent to an unopened road allowance, it must comply with the minimum front and exterior side yard requirement of the principle zone (Agricultural Zone) of 7.5 metres.

The intent of the front yard setback requirement is to provide a greater setback from the travels road for safety and aesthetic reasons as compared to a side and rear yard setback. The proposed reduction to the front yard setback is not from the actual traveled portion of the road (Ventnor Road), but from an unopened road allowance which has a shared driveway.

The proposed reduction of the minimum front yard setback requirement in the Agricultural zone from 7.5 metre to 3 metres is in keeping with the side and rear yard requirement for an accessory structure. The proposed setback will provide a separation from the unopened road allowance (shared driveway) while using the existing driveway and access to on-site parking.

3. Is the application minor in nature?

The proposal maintains the rural character of the area and is anticipated to have no negative impacts on the abutting residential and agricultural lands or inhibit their continued use. The variance will permit the detached garage to be located within close proximity to the existing dwelling, parking and road access.

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

The requested variance to reduce the minimum front yard requirement in the Agricultural (A) Zone for a proposed detached garage on an existing 0.8 hectare parcel of land with road access to Ventnor Road through a shared driveway over an unopened road allowance will be in-keeping with residential development and its accessory uses/ structures in the Rural and Agricultural zones.

The 3 metre setback is anticipated to have no negative impacts to the road allowance and the existing shared driveway. The proposed setback will accommodate drainage from the structure to be directed on the subject property. The detached garage will make use of the existing driveway and parking area on the site, while providing the property owner with secure parking within proximity to the existing single detached dwelling.

Based on the drawings provided, the location of the detached garage will not interfere or have any negative impacts on the location or function of the private on-site services.

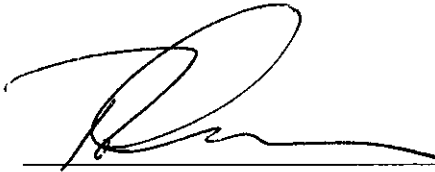
The applicant has demonstrated that access to and from the garage will maintain safe access and maneuverability of vehicles on the site.

A front and rear yard is maintained for outdoor amenity space. The site will continue to function as a residential lot which is in keeping with the character of the rural area and will not negatively impact or result in the removal of agricultural land.

COMMITTEE SIGNATURE PAGE:


Stephanie Summers (chair)

Donald Gibson


Tim Nason

WRITTEN AND ORAL SUBMISSIONS:

The number of public input (written or oral submissions) are listed below:

1. No public written submissions were received by the township prior to the public meeting.
2. No public oral submissions were received by the Committee during the public meeting.

The public comments received prior to, or during the public meeting had no effect on the Committee's final decision.

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 2nd day of September, 2026



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

APPROVED SKETCH:

