



TOWNSHIP OF  
EAST GARAFRAXA

**COMMITTEE OF ADJUSTMENT MEETING**  
**Minor Variance Application A3-24**  
**152179 12<sup>th</sup> Line, Concession 13, West**  
**Part Lot 13; RP 7R4215 Part 1 and Part 2**

January 28, 2025

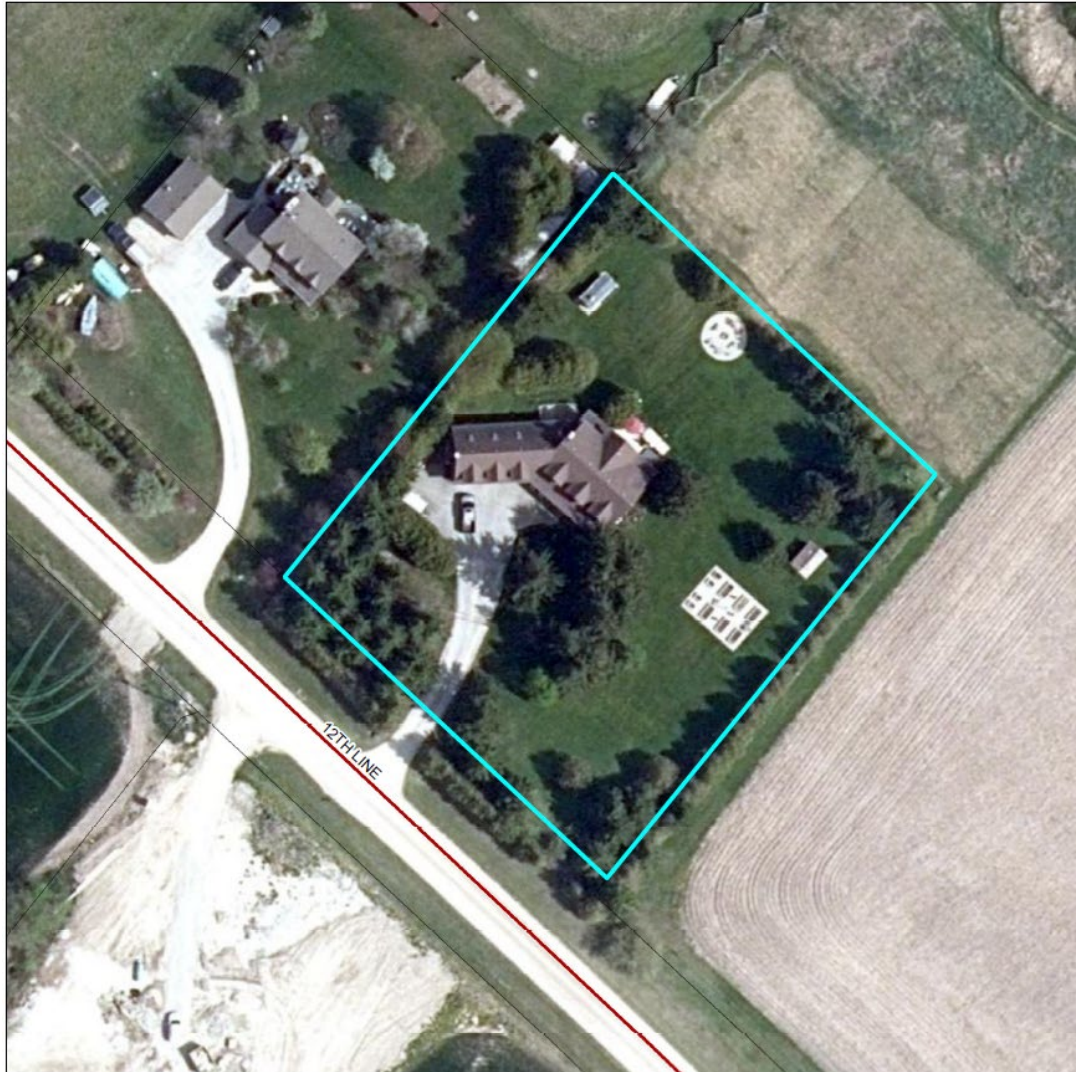
3:30 p.m.

**FOTENN**

# Agenda

- Aerial Photo
- Background
- Application Overview
- Official Plan Designation
- Zoning By-law
- Site Plan
- Submission Circulation
- Recommendations
- Next Steps

# Aerial Photo



Township of  
East Garafraxa



Aerial Photo

### Legend

- Parcels
- Roads\_ORN



CON 13 W PT LOT 13  
RP 7R4215 PART 1 PART 2  
(1.21 A)

This map is not a Legal Survey.  
Lot Fabric Created with Data Provided by Teranet Inc.

Map Created By: TWP East Garafraxa  
Mapping Date: January 2025

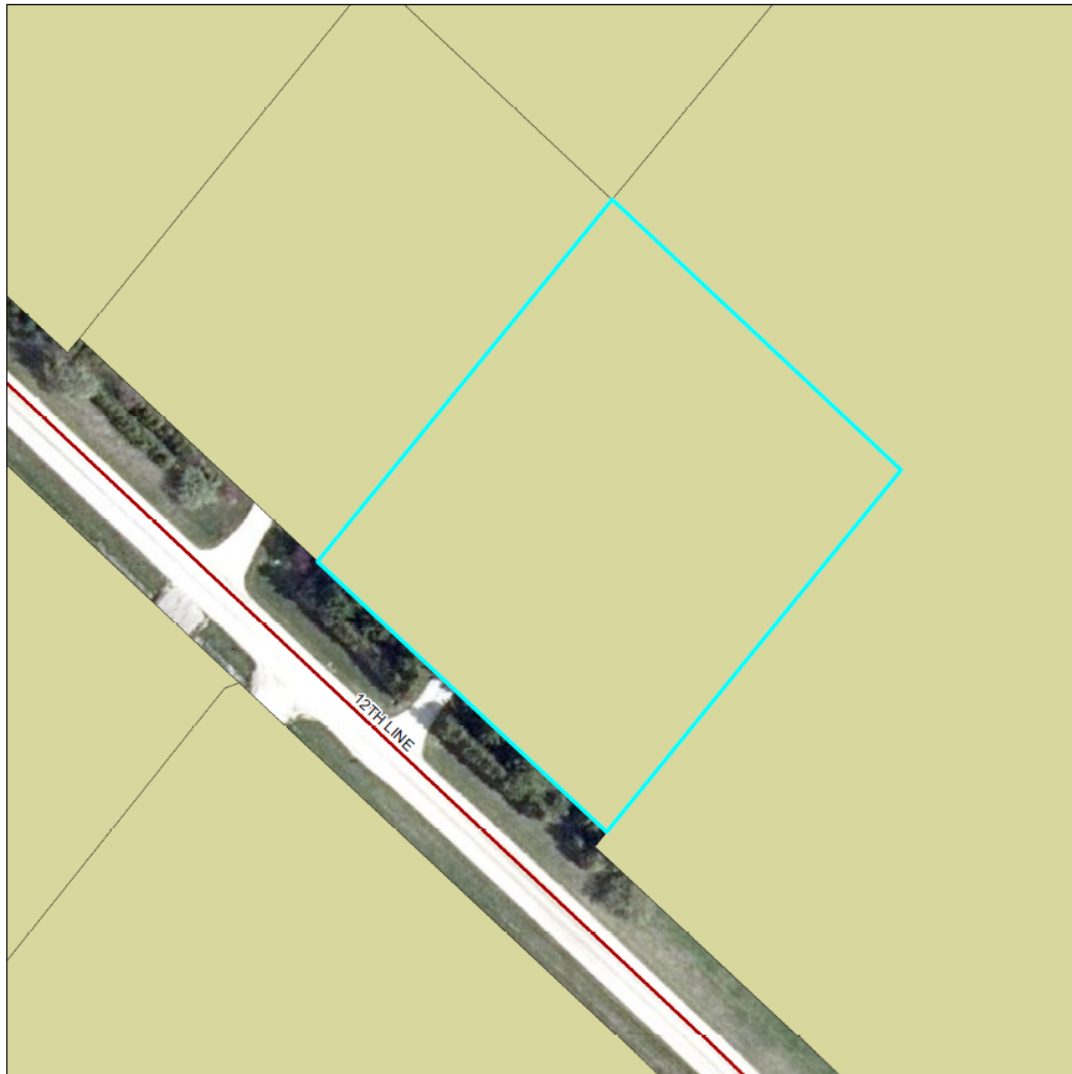
# Minor Variance Application A3-24

<b>Owner(s)</b>	Rob (Robert) and Joanne VanSydenborgh
<b>Applicant</b>	Derek Knot, Ironwood Carpentry
<b>Location</b>	152179 12th Line, Concession 13, West Part Lot 13, RP 7R4215; Part 1 and Part 2
<b>Property Area</b>	0.494 ha/ 1.22 ac (as provided by the applicant)
<b>Purpose of the Application</b>	<p>To permit a maximum gross floor area (GFA) of 80% for a proposed accessory attached dwelling unit, whereas Zoning By-Law Amendment 26-2023, permits a maximum gross floor area of an accessory attached dwelling unit to be no more than 50% of the gross floor area of the main dwelling.</p> <p>To request relief from the minimum interior side yard of 3.6m whereas 6m is required. The accessory attached dwelling unit will be contained within the existing structure. There are no proposed changes to the existing footprint of the dwelling.</p>



# Official Plan Designation

## Agricultural



Township of  
East Garafraxa



### Official Plan Designation Map Extract

#### Legend

- Parcels
- Roads\_ORN
- Waste Disposal Site
- Utility Line
- Special Policy Area
- Greenbelt Plan Area Boundary
- CommunityBoundary
- Agricultural
- Community Commercial
- Community Institutional
- Community Residential
- Employment
- Environmental Protection
- Estate Residential
- Extractive Industrial
- Open Space
- Rural



CON 13 W PT LOT 13  
RP 7R4215 PART 1 PART 2  
(1.21 A)

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Map Created By: TWP East Garafraxa  
Mapping Date: January 2025



# Zoning By-law 60-2004

## Rural Residential



Township of  
East Garafraxa



### Zoning Map Extract and Aerial Photo

#### Legend

- Parcels
- Roads\_ORN
- Utility Line
- Bylaws & Exceptions
- Tree Protection Area
- Community\_Boundary\_OP\_Meridian
- <all other values>
- Agricultural
- Business Park
- Environmental Protection
- Estate Residential
- Extractive Industrial
- General Commercial
- Hamlet Residential
- Highway Commercial
- Industrial
- Institutional
- Open Space
- Recreation
- Rural
- Rural Residential
- Solid Waste Disposal



CON 13 W PT LOT 13  
RP 7R4215 PART 1 PART 2  
(1.21 A)

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Lot Fabric Created with Data Provided by Teranet Inc.

Map Created By: TWP East Garafraxa  
Mapping Date: January 2015

# Submission Circulation

The application was circulated to prescribed agencies on December 19, 2024, and with property owners within 60 metres of the property in accordance with the *Planning Act*. The following comments were received on the application:

**RJ Burnside (Township Engineers) (received January 17, 2025):**

It is our understanding that the existing sewage system will service the existing house, and a new sewage system will service the additional dwelling unit. The approval should include a condition that as part of their new sewage system for the additional dwelling unit that a Level IV Treatment Unit with minimum nitrate removal capabilities of at least 75% is installed and maintained for the property.

**Grand River Conservation Authority (GRCA) (received December 6, 2025):** The subject property at 152179 12<sup>th</sup> Line is not regulated by the GRCA under Ontario Regulation 41/24.



# Comments

## **Fotenn Planning + Design:**

The applicant has requested a variance for an interior side yard of 3.6 m for the existing dwelling, whereas Section 4.3 - Rural Residential Zone, Zoning By-Law 60-2004, as amended, requires a minimum interior side yard of 6 m. The reduced interior side yard is an existing condition and no changes to the side yard are proposed. Given that the building was constructed in 1992, before the current Zoning By-law provisions took effect, it is our opinion that the variance for the interior side yard should be recognized as a legal non-conforming.

The requested variance has been assessed against the four tests for a minor variance prescribed under Section 45(1) of the Planning Act.

Test 1: *Is the general intent and purpose of the Official Plan maintained?*  
Accessory attached dwellings are an as-of-right permitted use on lands designated as Agricultural Land Use.

# Submission Assessment

## Fotenn Planning + Design on behalf of the Township

Test 2: *Is the general intent and purpose of the Zoning By-law maintained?*

The proposed accessory attached dwelling will be accommodated entirely within the existing accessory building. No new buildings/structures are being proposed, and the variance is to facilitate conversion of the existing accessory structure.

Test 3: *Is the variance minor in nature?*

The proposed accessory dwelling will be accommodated within an existing structure, requiring a variance to increase the permitted gross floor area, with no anticipated new impacts from the change of use.

Test 4: *Is the variances desirable for the appropriate development or use of the lands in question?*

It represents a form of gentle intensification that remains secondary to the main dwelling, ensuring compatibility with the surrounding neighborhood. By utilizing the existing structure without altering its footprint, the proposal maintains the character of the area while efficiently contributing to housing availability. It is our professional opinion that the variance is desirable and appropriate for the development on subject lands.

# Recommendations

Fotenn Planning + Design, on behalf of the Township, are of the opinion that the requested variance meets the four tests of the Planning Act and recommends the following:

THAT the Consultant Planning Report be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A3-24, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands, as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. The proposed accessory attached dwelling unit under the approval of Application A3-24 shall be in conformity with the design and location of the plans submitted with the application.

# Recommendations

2. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A3-24.
3. The owner/applicant shall obtain approval for the new sewage system that includes the installation and maintenance of a Level IV Treatment Unit.
4. The approval of the variance shall apply only to the conversion of the existing accessory structure to an accessory attached dwelling unit.
5. The owner/applicant shall satisfy all conditions of the variance no later than one year from the end of the appeal period established under the Planning Act.

# Next Steps

## **Appeal Procedure:**

The applicant, the Minister, a specified person or any public body may, no later than 20 days after the giving of notice of decision as required under Subsection 17 of the Planning Act is completed, appeal the decision or any condition imposed by Council.

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. 2017, c. 23, Sched. 5, s. 98 (3); 2021, c. 4, Sched. 6, s. 80 (5); 2022, c. 21, Sched. 9, s. 13 (2).

## **Decision:**

It is anticipated that the decision will be made at this meeting following any comments received during the Public Hearing.

Following the decision the secretary-treasurer shall not later than ten days from the making of the decision send one copy of the decision to the prescribed persons.