

DATE: April 29, 2026

REPORT NO: COA-10-2026

SUBJECT: Recommendation Report – Application for Minor Variance (File No. A032026WL) for 2235 Rosedene Road

CONTACT: Jeni Fisher, Acting Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A Minor Variance Application has been submitted by Gabe Stroobach (Owner) to permit an Accessory Dwelling Unit (ADU) in the second floor of an existing barn.
- The Township’s Official Plan designates the subject property as ‘Good General Agriculture’ and ‘Natural Heritage System’.
- The Township’s Zoning By-law 2017-70, as amended zones the property as Agriculture (A) Zone, Environmental Protection (EP) Zone, and Environmental Conservation (EC) Zone.
- An ADU is a permitted use in the ‘A’ zone and can be located above an existing accessory building. The location of the existing barn is outside of the ‘EP’ and ‘EC’ Zone.
- The Owner constructed the ADU prior to receiving the building permit and upon review of the floor plan, the ADU did not comply with the regulations under Section 3.2.1 of the By-law for maximum gross floor area of the ADU, the maximum building height, and the driveway access to the ADU.
- Planning Staff have reviewed the application and recommend the application be supported as it meets the four tests of a minor variance and the general intent of the Provincial, Regional and Local policies.

RECOMMENDATION:

1. That, the Application for Minor Variance A032026WL, submitted by Gabe Stroobach (Owner), as outlined in Report COA-10-2026, to permit:
 - a. An Accessory Dwelling Unit (ADU) with an increased maximum gross floor area of 128 square metres (Section 3.2.1.b), **BE APPROVED**;
 - b. The maximum height of an accessory building that contains an ADU above the first storey shall be 10 metres (Section 3.2.1.f); **BE APPROVED**;
 - c. An ADU shall be provided access on a separate driveway than the driveway

access to the principal/main dwelling (Section 3.2.1.k), **BE APPROVED.**

2. That, the Applicant shall provide confirmation and documentation from a licensed sewage septic installer, designer or engineer detailing compliance with Part 8 Sewage Systems of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector and Building Department.

BACKGROUND:

A Minor Variance Application has been submitted Gabe Stroobach (Owner) for a parcel municipally referred as 2235 Rosedene Road. The subject parcel is located on east side of Rosedene Road and south of Sixteen Road. The parcel has a lot area of 22.13 hectares (54.67 acres) with a lot frontage of approximately 481 metres on Rosedene Road.

The subject parcel currently contains a single detached dwelling, and two detached accessory buildings with the barn building directly behind the principal/main dwelling unit containing the accessory dwelling unit (ADU) on the second floor.

The Building Department was provided a Report a Concern for the subject parcel to investigate, and Staff discovered that an ADU was constructed on the second storey of the barn without a permit. The Owner confirmed that he completed the work and constructed the ADU without the proper approvals in place to have separate living quarters and was unaware of the regulations of the by-law but knew that ADUs were permitted.

The application for Minor Variance is to permit the existing and constructed ADU with the following variances:

1. To permit an ADU with a maximum gross floor area of 128 square metres whereas Section 3.2.1 (b) allows for a maximum gross floor area of 100 square metres.
2. To permit an ADU with a maximum height of an accessory building with an ADU above the first storey not exceeding 10 metres whereas Section 3.2.1 (f) allows for a maximum building height of 8 metres.
3. To permit an ADU with a separate driveway access than the driveway access to the principle/main dwelling whereas Section 3.2.1 (k) requires that access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the principle dwelling unit on the same lot.

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

Does the Proposal Maintain the General Intent of the Official Plan? Yes

The subject property is designated as 'Good General Agricultural' and 'Natural Heritage System' in the Township's Official Plan. The Good General Agricultural designation allows single detached dwellings and accessory buildings and structures including accessory

dwelling units (ADUs). According to Section 17.1.3 of the Official Plan, the ADU has to be secondary and subordinate to the main dwelling on the property, located in the same cluster of buildings as the main dwelling on the property, comply with zoning regulations regarding size, setbacks, height, and meet the requirements of the Building and Fire Codes.

The proposed ADU is located on the second storey of an existing accessory building (barn) located within the cluster of the existing main dwelling unit and accessory buildings, thereby minimizing land consumption and preserving viable agricultural lands.

The Health Inspector recently visited the subject property and noted there were no septic system records with specific details on the existing single detached dwelling and ADU and therefore unable to confirm compliance with Part 8 (Sewage Systems) of the Ontario Building Code (OBC) regulations. Therefore, a condition of approval is recommended for the Owner to provide proper documentation to confirm compliance with Part 8 of the OBC.

Subject to and pending approval of the Minor Variance requests, the Owner is required to obtain the necessary building permits for the ADU to receive occupancy.

The subject property contains a Provincially Significant Wetland (PSW) and associated buffers. The barn and ADU is outside the Natural Heritage System designation and will not negatively impact any environmental features.

Therefore, Planning Staff are satisfied that proposal meets the general intent and purpose of the Official Plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?
Yes**

The subject parcel is zoned Agriculture (A) Zone, Environmental Protection (EP) and Environmental Conservation (EC) Zone. The Agricultural (A) Zone permits a single detached dwelling unit, accessory buildings, and accessory dwelling units (ADUs).

The location of the barn and ADU are not located in the EP or EC Zones and therefore no negative impacts to the features and satisfies the regulations under Part 11 Environmental Zone.

Section 3.2.1 of the by-law permits an ADU to have a maximum gross floor area (GFA) of 100 square metres. The proposed ADU will have a GFA of 128 square metres, an increase of 28%, although is contained in the existing barn and therefore will not further increase the maximum lot coverage for all accessory buildings or structures on an agricultural lot. The additional 28 square metres is measured from the supporting beams and interior walls of the barn and captures the liveable space (e.g., kitchen/dining, bedroom, bathroom) but excludes the areas for storage, deck, stairs and elevator.

The ADU is for the Owner (Gabe) since he needed to downsize for medical reasons and

the main dwelling is for his family.

The relief for the maximum building height of the ADU is because the barn was constructed years ago and already has a higher elevation and exceeds the regulation of Section 3.2.1 (f). The height of the barn meets the requirements of maximum height for an accessory building however, unfortunately the nuance is that the regulation for the maximum height for ADUs does not consider existing buildings, hence the reason for the relief and to request an increase in height from 8 metres to 10 metres.

Similarly, the barn currently has an existing driveway that leads directly to it and since the ADU is on the second floor it makes sense to use this driveway instead of the driveway to the main dwelling. The two driveways currently exist and require no additional entrance permits and therefore nothing changes in terms of access to the main dwelling and ADU.

Therefore, Planning Staff are satisfied that the proposal meets the general intent and purpose of the Zoning By-law.

Is the Proposal desirable for the appropriate development or use of the land? Yes

The subject parcel is zoned and designated to allow accessory buildings and ADUs. The Owner is requesting an increase in ground floor area to accommodate a functionable floor plan that already exists on the second floor of the barn. The requested variance to increase the maximum GFA does not exceed the total accessory lot coverage or the total lot coverage which helps ensure that the ADU remains subordinate to the main dwelling.

The ADU will contribute to additional housing within the Township's agricultural and rural area without creating any impacts for privacy concerns since there are no close neighbouring properties. Additionally, the ADU is in an existing barn where the appearance of an ADU is not visible to the public from the street and blends in with the character of the property while being able to maintain the active agricultural use that surrounds the building.

Therefore, Planning Staff are satisfied that the proposal is considered desirable for the appropriate development and use of the land and accessory building.

Is the proposal minor in nature? Yes

The intent of limiting the gross floor area (GFA) of ADUs is to ensure that the ADU remains subordinate to the main dwelling, maintain the agricultural uses and minimize any changes to the drainage patterns on the parcel. The ADU is located inside the existing barn on the second floor, hence remains subordinate to the main dwelling unit.

Additionally, the proposed increase from 100 square metres to 128 square metres will not result in over development since the ADU is located inside an existing barn on an agricultural lot approximately 54.67 hectares and since there is no new construction there would be no impact to the existing drainage and no removal of agricultural uses and

production.

The requests for additional building height of 2 metres for the ADU will have no visual impacts since it is located inside an existing barn with a building height of 10 metres.

Similarly, the request to have the existing secondary driveway access that leads to the barn as the primary access to the ADU instead of the driveway access to the principle/main dwelling unit is not an issue because again it already exists and can alleviate any concerns with ingress and egress to these units.

Therefore, Planning Staff are satisfied that the proposed variances are considered minor in nature.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Township Civil Land Development

No comments.

Township Building Department

Requires building permits and confirmation and documentation from a licensed sewage septic installer, designer or engineer detailing compliance with Part 8 Sewage Systems of the Ontario Building Code

NPCA

Based on the current NPCA mapping, the subject property contains the following NPCA regulated features:

- Non-Provincially Significant Wetlands (Non-PSW), there is an additional 30-meter buffer area that is regulated by the NPCA starting from the wetland boundary
- Watercourses are identified throughout the property. Watercourses have an associated 15-meter buffer area starting from the top of bank.

The proposal is to change the use of an existing structure (i.e., barn) to an additional dwelling unit (ADU). The existing barn does not encroach within an NPCA regulated area as such, the change in use is supported with no objection by the NPCA. Should there be any required septic system changes on the property, the NPCA will require circulation of where the septic system is proposed in relation to the mapped NPCA regulated features. Depending on the scope, nature, and location of the septic system (if required) or future development activities on-site, an NPCA Permit and prior approval maybe required.

In summary, the NPCA have no objection to the ADU and minor variance application, A03/2026WL.

Niagara Region

No comments.

PUBLIC COMMENTS:

No public comments were received at the time of writing this report.

CONCLUSION:

Based on the above analysis, Planning Staff recommend **APPROVAL** of Minor Variance A03/2026WL as submitted to permit the ADU with a total gross floor area of 128 square metres, a maximum building height of 10 metres, and to have the secondary driveway access subject to the condition of providing the proper documentation to satisfy the requirements of Part 8 of the Ontario Building Code for sewage system.

ATTACHMENTS:

Schedule A – Survey
Schedule B – Floor Plan

Prepared & Submitted by:

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Approved by:

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