



DECISION
COMMITTEE OF ADJUSTMENT
MUNICIPALITY OF BAYHAM
56169 Heritage Line, P.O. Box 160, Straffordville, Ontario, N0J 1Y0
Telephone: 519-866-5521 Fax: 519-866-3884

Application No. A-04/24

Applicant: Cornelius Sawatzky and Rudy Friesen

Lot: Plan 113 Lot 3 E Pt Lot 2

Roll Numbers: 34-01-000-006-19100

Street Address: 57070 Eden Line

Date of Hearing: September 19, 2024

Date of Decision: September 19, 2024

DECISION

THAT the Committee of Adjustment Secretary/Treasurer's report DS-26/24 regarding the Sawatzky Friesen minor variance be received;

AND THAT the Committee of Adjustment considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision;

AND WHEREAS the Committee agrees that the proposed variance as presented meets Section 45.1(1) of the Planning Act and is considered minor;

THEREFORE application A-04/24 submitted by Cornelius Sawatzky and Trudy Friesen pursuant to Section 45 of the Planning Act for a minor variance, is granted to allow relief from Municipality of Bayham Zoning By-law No. Z456-2003:

- Section 9.5.1 Maximum Height for Accessory Buildings – to permit a Maximum Height of 5.5 metres for an accessory building (detached garage), whereas 4.5 metres is permitted in the Hamlet Residential (HR) Zone.

Conditions:

1. That an approved engineered grading plan for the property, including the future detached garage, is required prior to the issuance of a building permit for the detached garage.
2. That the owner includes garage eavestroughs and downspouts on the Building Plans demonstrating that water is not directed towards the west property line prior to the issuance of a building permit.

Decision: GRANTED

Reasons for the Decision:

- the variance is considered to be minor in nature in accordance with the requirements of the Planning Act
- the variance application meets the “four tests” of Section 45.(1) Planning Act
- the variance maintains the general intent and purpose of the Official Plan and Zoning By-law

Concur in the Decision:

Chairperson Ed Ketchabaw

Committee Member Rainey Weisler

Committee Member Tim Emerson

Committee Member Dan Froese

Committee Member Susan Chilcott

NOTICE OF LAST DATE OF APPEAL

TAKE NOTICE that any person or agency may appeal to the Ontario Land Tribunal (OLT) in respect of the By-law variance within 20-days of the Notice of Decision by filing with the undersigned, not later than the **9th DAY OF OCTOBER 2024**, a notice of appeal setting out the objection to the Decision and the reasons in support of the objections. It is also necessary to submit a filing fee as per the OLT Set Rates & Fees with the notice of objection.

Dated at the Municipality of Bayham this 19th day of September 2024.

Meagan Elliott, Clerk
Designated Secretary-Treasurer, Committee of Adjustment