
July 16, 2024

MEMORANDUM

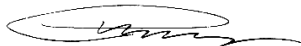
File No.: PLA-2024-066
TO: Committee of Adjustment
FROM: Chris Tang, Planner
SUBJECT: Resubmission of a Previously Deferred Application
LOCATION: 24 Sumac Drive, Caledonia; Legally Described as PLAN 18M52 LOT 45

Committee of Adjustment Chair and Members,

The Committee of Adjustment first heard minor variance application PLA-2024-066 on May 14, 2024. Planning staff recommended approval of this application. The Committee deferred this application due to the failure to post the public notice sign within the legislated timeline required by the *Planning Act*. An updated public notice sign was posted on the subject property on June 25, 2024. As the sign has now been posted appropriately, staff recommend that the application be approved.

The staff report from May 14, 2024 is attached to this memo.

Regards,



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: May 14th, 2024
File Number: PLA-2024-066
Property Roll Number: 2810-152-005-08943-0000
Applicant: Bashir Khan
Agent: Mobeen Yousafzai
Property Location: 24 Sumac Drive, Caledonia ; Legally Described as PLAN 18M52 LOT 45

Recommendation

That application PLA-2024-066 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the provisions of the Urban Residential Type 1-B Zone of Zoning By-law HC 1-2020. The relief is requested to permit the construction of a secondary unit in the basement of the existing dwelling on the property. The proposed additional unit will require a parking space and a separate entrance to allow for an access point for future tenants of the proposed secondary unit. Two variances, as shown in the following table, are required to permit the secondary unit in the basement of the subject property.

Development Standards	Required	Proposed	Deficiency
Rear Yard (Below Grade Entrance)	5.5 meters (18 feet)	4.8 meters (15.7 feet)	0.7 meters (2.3 feet)
Secondary Suite Parking Space Dimensions	2.75m x 5.2m (9.00f x 17.0f)	2.75m x 4.5m (9.00ft x 14.77ft)	0.0m x 0.7m (0.0ft x 2.3ft)

Site Features and Land Use:

The Subject Property (24 Sumac Drive) is approximately 0.29 hectares (0.72 acres) in area with approximately 10.4 metres (34.1 feet) of frontage on Sumac Drive, and is designated Residential in the Official Plan, and Urban Residential Type R1-B in the Haldimand County Zoning By-Law HC 1-2020.

The proposed secondary unit is to be located in the basement of the dwelling, and will have a separate walkway to the east of the driveway, leading down the right side of the dwelling to the secondary unit's below grade entrance, which is proposed to be located to the right side of the rear end of the dwelling.

The parking space seeking relief is located to the left of the driveway. The left side parking space is unable to meet the parking dimensions required due to the overhanging design of the dwelling, the supports cause a deficiency of 0.0m x 0.7m on the left portion of the driveway.

Currently, there is an air conditioning system located where the proposed principal entrance for the basement unit is to be placed. The air conditioning system will be removed and relocated if application is to be approved.

Entrance to backyard for principal unit will remain located to the left back portion of the building being 1.9 meters (6.2 feet) away from the proposed entrance.

Minor Variance will be required to allocate the secondary unit's principal entrance due to the stairs creating a deficiency of 0.7 meters (2.3 feet) for the rear yard setbacks.

Directly adjacent to the property are similar single detached dwellings, with sidewalks on both sides, and general surrounding land use includes a mixture of residential uses, open space, institutional zones, and neighbourhood commercial use.

The Subject Property is within 300 meters of a wetland, and has regulated lands through GRCA to the east, west and north of the subject property

Existing Intensive Livestock Operations:

There are no existing livestock operations located within 500 meters of the subject property.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: 1.AC Unit shall not be placed on walkway as per Table 4.55 for Entrances, iii.) Where the only entrance to a secondary dwelling unit is provided from the rear yard or side yard, the entrance must

be accessed by a continuous, unobstructed walkway of at least 1 metre wide between the main wall of the building and the side lot line.

2. There's a wall that extends 4'-11" (1.5 metres) on the left side of the garage door that isn't shown on the proposed site plan.

Haldimand County Planning & Development Services – Development Technologist: No Comments or Concerns.

Haldimand County Emergency Services: No Comments Received.

Haldimand County Water and Wastewater Engineering & Compliance: No Comments Received

Hydro One: No Comments Received

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment:

The Subject Property is designated Residential in the Haldimand County Official Plan. Residential designations within the Official Plan permit all forms of residential development, taking into consideration the surrounding built form and ensuring the planning is consistent with the existing development and will not have a negative impact on the surrounding lands or effect the available services.

Section "O" of the Official Plan speaks for Secondary Suites, which will be permitted subject to the regulations of the Zoning By-Law so long as;

- a) The unit is clearly subordinate to the primary residential unit in the dwelling;

The unit proposed is a basement suite to a large single detached dwelling, the basement unit will be clearly secondary to the primary residence of the Subject Property.

- b) Adequate on-site parking for both residential units is provided;

The Subject Property has one (1) garage parking space, and two parking spaces in the driveway. The variance is required for the deficiency of 0.0 meters x 0.07 meters for the Secondary Suites parking space, the space has been demonstrated to still be adequate for parking a standard sized vehicle.

- c) Adequate servicing capacity exists;

The Subject Property is run on municipal services, and are adequate for servicing an additional unit.

- d) The secondary suite complies with Provincial building and fire code requirements;

No comments from building or fire, if application is approved there will be more extensive plans required for the dwelling to ensure the secondary suite complies with all building and fire code requirements.

- e) The exterior appearance of the dwelling is not significantly altered to accommodate the unit.

The proposed unit will not create significant alterations to the dwelling, the only adjustments that will be made to the external visual of the dwelling is the additional walkway to access the backyard, and the separate entrance for the secondary unit which will be located on the back of the property and will not be visible to the majority public.

The proposed development is an additional unit to the basement of the existing dwelling, the proposal allows for additional housing within the Residential designations of Haldimand County's Official Plan and conforms with the surrounding uses.

Staff are of the opinion that this application for Minor Variance maintains the intent and purpose of the County Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment:

The subject property is zoned Urban Residential Type 1-B - both one and two family dwellings are permitted uses within the Urban Residential Type 1-B Zone.

However, the proposed secondary unit in the single detached dwelling has the following deficiencies from the standard of the by-law for which two variances are required:

Rear Yard (Below Grade Entrance)

Table 6.2A of the Zoning By-Law states that the minimum rear yard setback is 7.5 meters, Section 4, 4.20(h), has exceptions for below grade entrances allowing the entrance to project a maximum of 1.5 meters (4.9 feet) making the minimum setback for this specific site 5.5 meters (18 feet).

The proposed rear yard setback is 4.8 meters (15.7 feet) , deficient by 0.7 meters (2.3 feet).

Secondary Suite Parking Space Dimensions

General provisions for secondary suite parking space dimensions (per parking space) are set out in Table 4.55 of the Zoning By-law requires that the parking be 2.75 meters x 5.2 meters. Due to the overhang design of the dwelling, there is a support located on the left side of the driveway keeping the structure supported. The proposed driveway will be 2.75 meters x 4.5 meters (9.00ft x 14.77ft) , creating a deficiency of 0.0 meters x 0.7 meters (0.0ft x 2.3ft) for the secondary suite parking space. Upon site visit it was seen that a standard sized vehicle is able to be parked in the space without encroaching onto the sidewalk and having an adequate amount of space between the garage and the car.

Planning staff are of the opinion that with the proposed variances the proposal maintains the general intent and purpose of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment:

Within the Provincial Policy Statement, Policy 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 1.1.1 works towards creating healthy, liveable and safe communities by promoting efficient development and land use patterns which sustain the long term well being of the province, 1.1.1 (b) includes accommodating an appropriate affordable range of residential types which includes “additional residential units”, the Subject Property fall within the Settlement Areas, which are the main focus areas for growth and development.

1.1.3.3 speaks on creating transit friendly housing options through intensification and redevelopment, the subject property is within a subdivision, and will allow for the basement space to be redeveloped into a unit hence creating opportunity for a diverse range of living accommodations within the Town of Caledonia.

Within the Official Plan, Caledonia has the highest notability in regards to attracting new growth due to the proximity to the City of Hamilton, and the availability to water and wastewater servicing. The Official Plans predominant use of lands within Residential designation focuses mainly on, and permits all forms of residential development, reflecting the Provincial Policy Statements goals of increased housing options within the Settlement Areas. Section G of the Official Plan Sets out the goals for Design Principals within Haldimand County, ensuring that the developments contribute to the well being of residents and enhances the positive aspects of the community character. Due to the fact the Subject Property is already pre-existing within a subdivision, and creating the additional unit will create minimal change to the appearance of the property (only notable change is the walkway and additional entrance on the back of the dwelling), the proposal does not take away from the character of the community.

The proposal will add housing stock which is supported by the policies of the Provincial Policy Statement and the County’s Official Plan, and staff is in support of the appropriate development of the Subject Property.

4. Is the application minor?

Planning staff comment:

The application will create additional housing within the residential zone without negative impacts to the surrounding properties or servicing. The variances are applicable for the rear yard setback and the driveway. The driveway variance of

0.0 meters x 0.7 meters does not cause any discrepancies with the neighbouring properties and it still leaves an adequate amount of space for a standard sized vehicle. The rear yard deficiency of 0.7m is also minor where it will not cause any negative impacts on the subject property or surrounding neighbours.

Staff are in the opinion that the application with the required variance is minor.

The subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was not posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

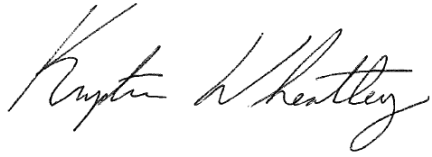
Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:



Jassie Cleaver
Planning Technician
905-318-5932 ext. 6210

Reviewed by:



Krystina Wheatley, CET
Supervisor, Planning & Development
905-318-5932 ext. 6208

Location Map FILE #PLA-2024-066 APPLICANT: Khan



Location:

**24 SUMAC DRIVE
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

PLAN 18M52 LOT 45

Property Assessment Number:

2810 152 005 08943 0000

Size:

0.028 Hectares

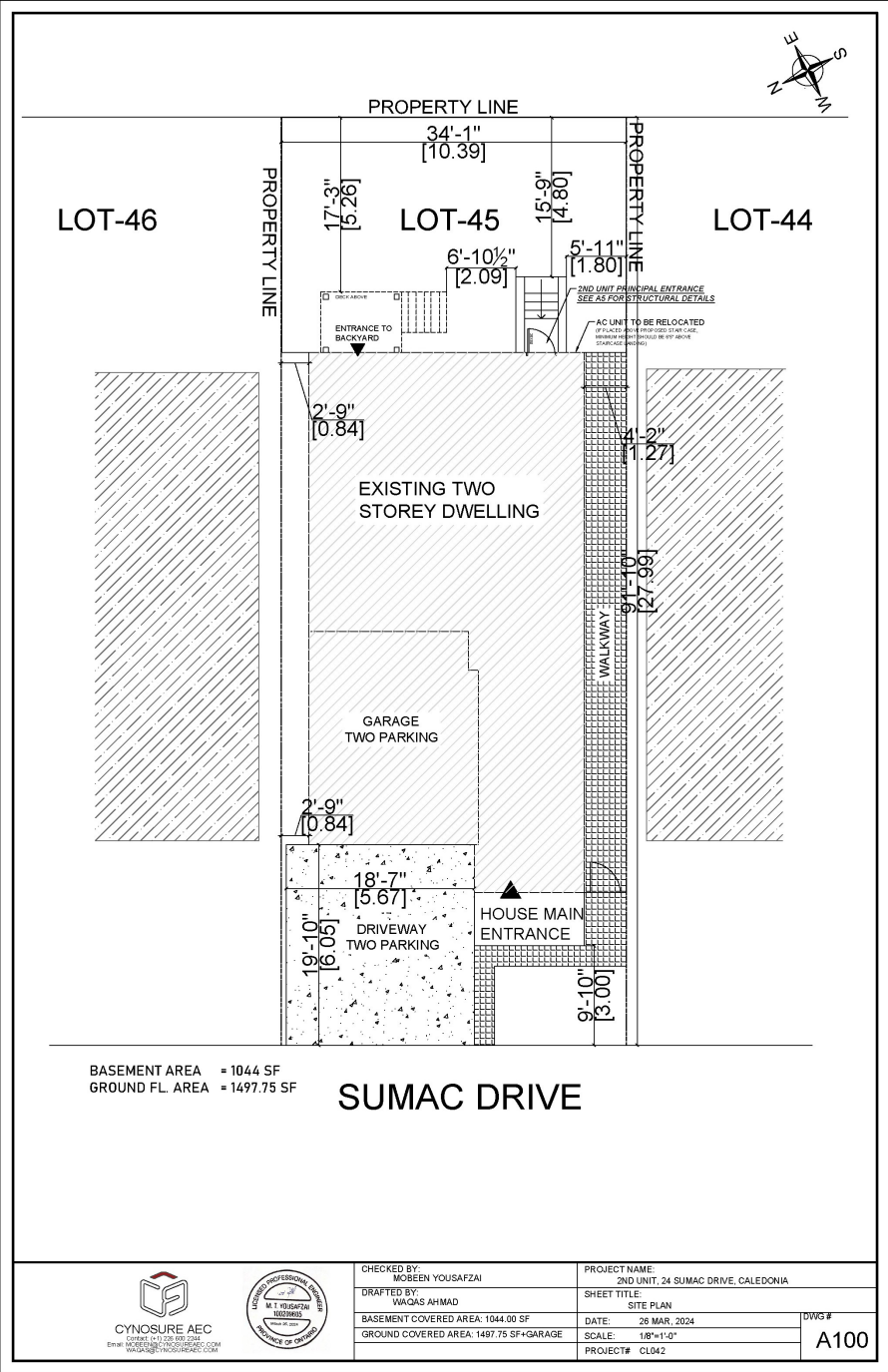
Zoning:

R1-B (Urban Residential Type 1-B)

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Owner's Sketch FILE #PLA-2024-066 APPLICANT: Khan



Location Map FILE #PLA-2024-066 APPLICANT: Khan



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