



## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** July 16, 2024  
**File Number:** PLA-2024-116  
**Property Roll Number:** 2810-155-001-11500-0000  
**Applicant:** Arnold Schwisberg  
**Property Location:** NCAY PARK PT LOT 3 E OF W, RIVER RD RP 18R1943  
PART 1, known municipally as 2160 River Rd

### Recommendation

That application PLA-2024-116 meets the four tests of a minor variance. Therefore, planning staff recommend approval of the application subject to the following conditions:

- 1) That the development shall be substantially in accordance with the attached sketch;
- 2) That the existing 8 x 14 accessory structure (shed) that is not accounted for on the zoning deficiency form or site plan be removed prior to issuance of a building permit
- 2) That the Development Technologist has approved a lot grading for the development;
- 3) That the applicant enter into a development agreement for lot grading purposes with the County and that the development agreement be registered on title

### Details of the Submission

**Proposal:** Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.5 m (21.3 ft)	7.32 m (24.0 ft)	0.82 m (2.7 ft)
Accessory Building Area	200.0 m <sup>2</sup> (2,152.8 ft <sup>2</sup> )	219.0 m <sup>2</sup> (2,357.8 ft <sup>2</sup> )	19 m <sup>2</sup> (204.5 ft <sup>2</sup> )

Relief is requested to permit the construction of an accessory building in the form of a detached garage in front of the existing single family dwelling.

**Site Features and Land Use:** The subject lands are located in the township of North Cayuga and front onto the north side of River Road. The subject lands currently contain a single detached dwelling and an accessory structure. The surrounding land uses are generally residential and agricultural in nature.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:** No comments received.

### **Haldimand County Planning & Development Services – Development**

**Technologist:** A permit from the GRCA will be required. A grading/drainage plan is required to show the water drainage path and to confirm the existing swale is sufficient to convey the water away from the property and that the new structure will not cause water ponding or any adverse effects to neighbouring properties.

**Haldimand County Emergency Services:** No comments received.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Grand River Conservation Authority:** GRCA has no comments of objection to the approval of this minor variance application. The applicant has been advised that the septic system upgrades proposed in the circulated plans will require a GRCA permit under Ontario Regulation 41/24.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit First Nations (MCFN):** MCFN waived the Archaeological Assessment, with the conditions that if any archaeological resources are uncovered during any ground disturbance, all groundwork must stop immediately and Mississaugas of the Credit First Nations Department of Consultation & Accommodation (MCFN DOCA) be contacted, and that if the scope of the project changes MCFN DOCA must be notified.

**Six Nations:** No comments received.

**Public:** Call was received by neighbour worried about flooding; has been brought to the development technologist's attention.

## 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 lands are designated "Agricultural" in the Haldimand County Official Plan. Single family dwellings and accessory structures are permitted within the "Agricultural" designation. Therefore, it is Planning staff's opinion that the subject application conforms to the intent of Official Plan.

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

**Planning staff comment:** The subject lands are zoned "Agriculture (A)" in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory building that exceeds the maximum permitted height and maximum area. The intent of the accessory building is to be used as a detached garage.

The intent of limiting the height and size or area of accessory buildings is to ensure they remain accessory to the primary use on properties and to ensure they do not negatively impact the character of the area. The proposed accessory building is to be used for personal storage, accessory to the primary dwelling on the subject lands.

In terms of building height, the accessory building will be setback 13 metres (42 feet) from the front lot line, and a minimum of 11.8 metres (38 feet) from the interior lot lines, such that it will not appear obtrusive. In terms of building area, the subject lands are relatively large for a rural residential lot, being 0.52 hectares (1.3 acres) in size and can support a larger residential accessory building. Also, the proposed building area approximates the permitted building area. Therefore, the structure is not anticipated to negatively impact neighbouring properties or the character of the area. It is Planning staff's opinion that the subject application maintains the intent of the Zoning By-law.

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

**Planning staff comment:** The proposed accessory structure will be built in line with the large detached accessory structure to the south and generally in line with the dwellings to the north (which are permitted to be taller and larger than the proposed accessory building). Also, for the reasons listed above, it is Planning staff's opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

**Planning staff comment:** For the reasons listed above, it is Planning staff's opinion that the subject application is minor.


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

## Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on June 13<sup>th</sup>, 2024.

A copy of the staff report has been provided to the applicant.

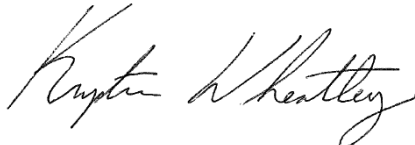
Prepared by:



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Reviewed by:

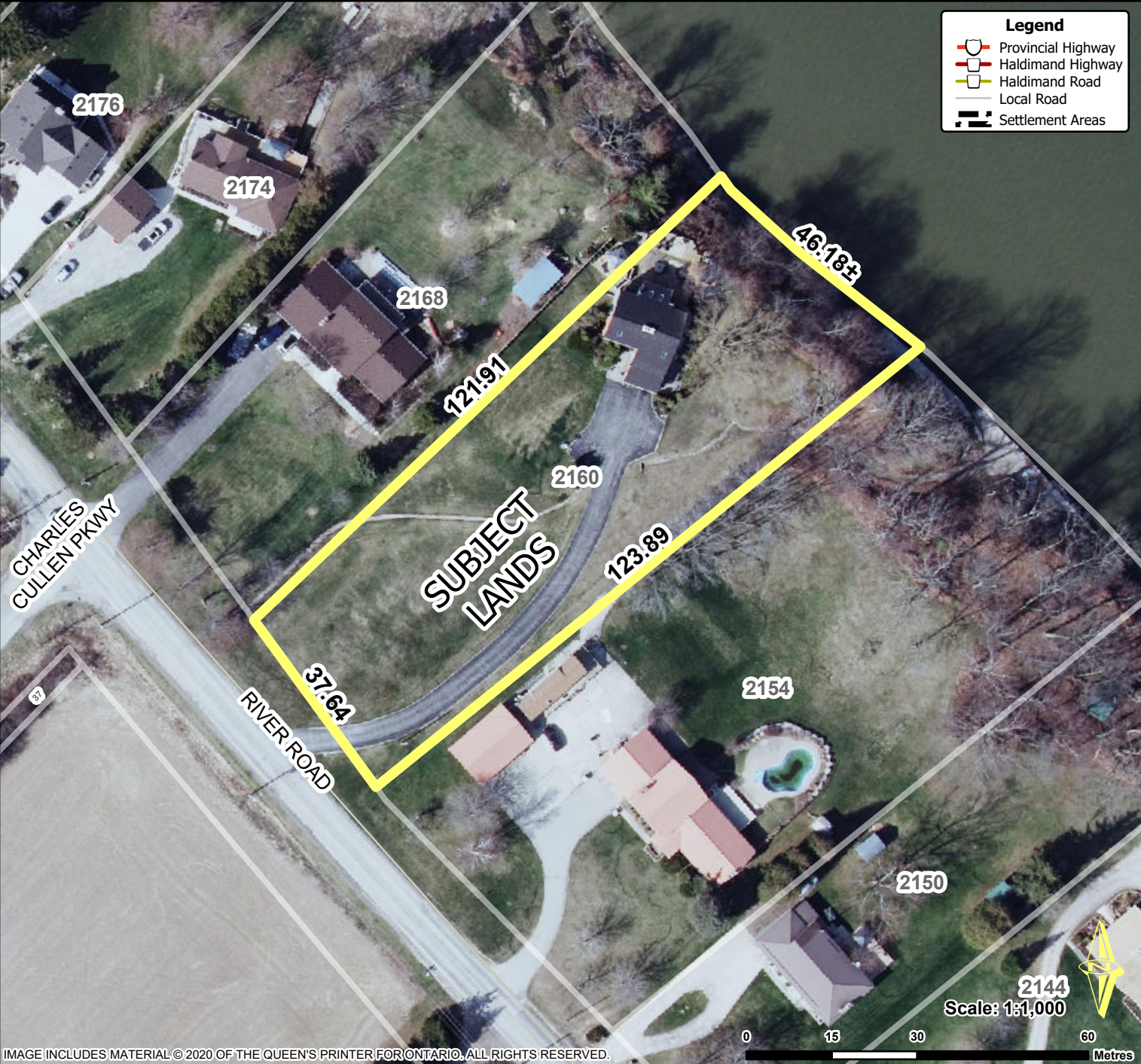


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# Location Map FILE #PLA-2024-116 APPLICANT: SCHWISBERG



**Legend**

- Provincial Highway
- Haldimand Highway
- Haldimand Road
- Local Road
- Settlement Areas



Location:  
**2160 RIVER ROAD**  
**GEOGRAPHIC TOWNSHIP OF**  
**NORTH CAYUGA**  
**WARD 4**

Legal Description:  
**NCAY PARK PT LOT 3 E OF W RIVER RD RP**  
**18R1943 PART 1**

Property Assessment Number:  
**2810 155 001 11500 0000**

Size:  
**0.522 Hectares**

Zoning:  
**A (Agriculture), GRCA Regulated Lands,**  
**HCOP Riverine Hazard Lands**

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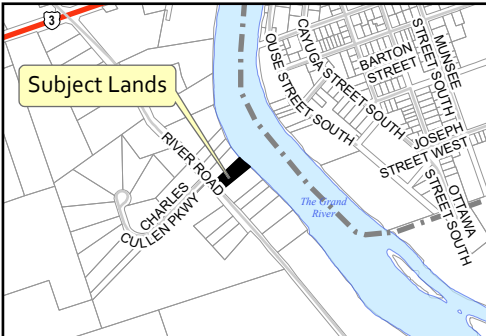
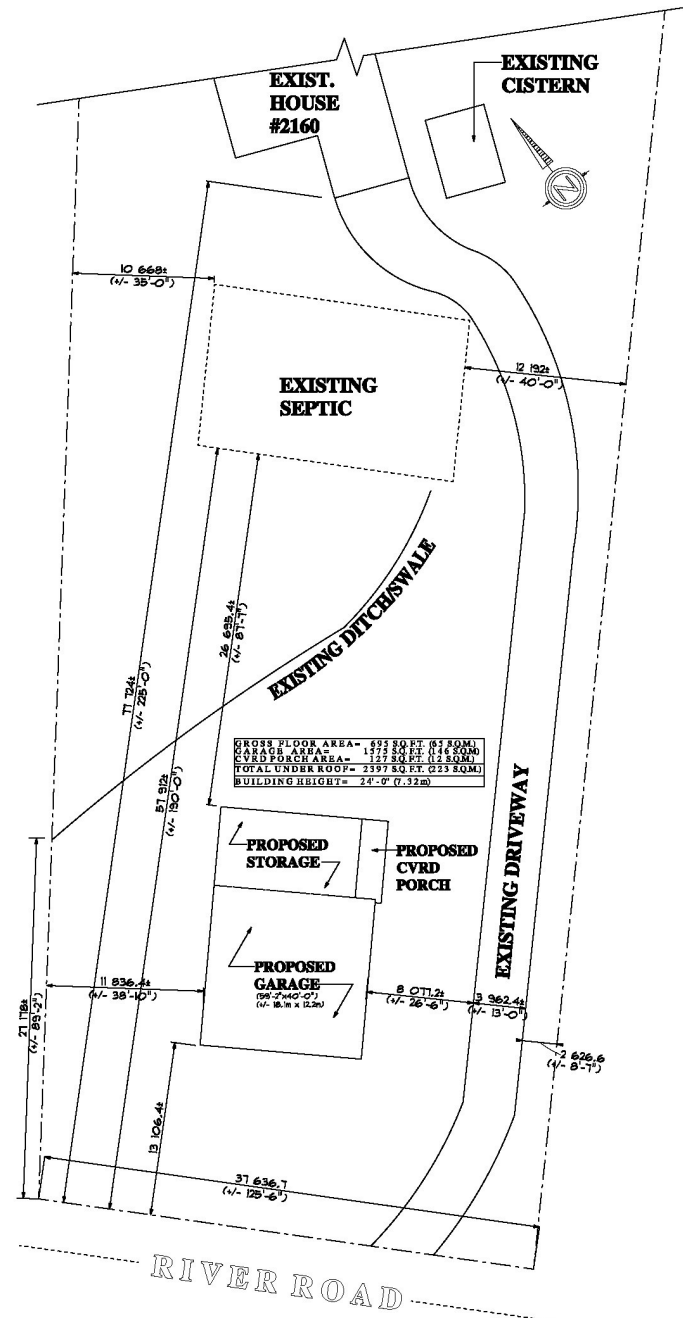


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# Owner's Sketch FILE #PLA-2024-116 APPLICANT: SCHWISBERG



## SITE PLAN

ALL DIMENSIONS ARE APPROX. (N/A) AND ARE BASED OFF HALDIMAND NAVIGATOR