



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: July 16, 2024
File Number: PLA-2024-095
Property Roll Number: 2810-158-001-60184-0000
Applicant: Mike Balogh
Property Location: RNH PLAN 140 LOT 13, known municipally as 11 Featherstone Avenue

Recommendation

That application PLA-2024-095 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses provision and Cargo Containers Use for Storage Purposes provision of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Accessory Building Area	75.0 m ² (807.3 ft ²)	117.0 m ² (1,259.4ft ²)	42.0 m ² (452.1 ft ²)
Permitted Use	No cargo containers	To add cargo containers as permitted use	Adding cargo containers as permitted use

Relief is requested to permit an additional accessory building in the form of a cargo container (also commonly referred to as a sea can container) on the subject lands, which will exceed the cumulative permitted accessory building area, and to permit a cargo container, which is not a permitted use in the Lakeshore Residential (RL) zone, on the subject lands for personal storage.

Site Features and Land Use: The subject lands are located in the Hamlet of Sweets Corners and front onto the south side of Featherstone Avenue. The subject lands currently contain a single detached dwelling and two (2) accessory structures. While the attached Location Map shows five (5) accessory structures on the subject lands, three (3) have been removed, which has been confirmed through site inspection. Two (2) existing accessory structures are shown correctly on the attached Owner's Sketch. A third (3rd) accessory structure is proposed in the form of a cargo container behind the existing accessory structures.

The surrounding land uses are generally Lakeshore Residential 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: No comments or concerns.

Haldimand County Emergency Services: No comments received.

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

Long Point Region Conservation Authority: Long Point Region Conservation Authorities reviewed application and have advised that the proposal is consistent with section 3.1 of the Provincial Policy Statement 2020, and that the seacan is outside of the regulation limit of Ontario Regulation 41/24, hence will not require a permit from the LPRCA Office.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments or concerns at this time.

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 lands are designated “Resort Residential” in the Haldimand County Official Plan. Single detached dwellings and accessory structures are permitted in Lakeshore Nodes subject to policy criteria. Cargo containers are considered to be accessory structures. However, the Official Plan does not provide policy direction on cargo containers; cargo containers are regulated by the Haldimand County Zoning By-law HC 1-2020. It is Planning staff’s opinion that the proposal maintains the general intent of the Official Plan.

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

Planning staff comment: The subject lands are zoned “Lakeshore Residential (RL)” in the Haldimand County Zoning By-law HC 1-2020. This application is seeking relief of the cumulative accessory structure area to exceed the maximum permitted area to allow a third (3rd) accessory structure in the form of a cargo container on the subject lands. This application is also seeking to permit a cargo container on the subject lands, whereas the Zoning By-law does not permit a cargo container to be located in any residential zones, including the “Lakeshore Residential (RL)” zone. The intent of the cargo container is to be used for personal storage.

The intent of limiting the size or area of residential accessory structures is to ensure they remain accessory to the primary use on properties and to ensure they do not negatively impact the character of an area. The applicant is proposing a total of three (3) accessory structures on the subject lands which are generally in keeping with the size of residential accessory structures. The subject lands are large in comparison to most Lakeshore Residential properties, being 0.54 hectares (1.3 acres) in size, and abut two similarly sized Lakeshore Residential properties on the east and west and Lakeshore Road to the south, followed by Lake Erie. Therefore, Planning staff have no concerns with the size and area of the accessory structures.

The intent of prohibiting cargo containers on residential properties, including Lakeshore Residential properties, is due to their appearance. The cargo container will be located behind the existing accessory structures and will be adequately setback from the two abutting Lakeshore Residential properties and Lakeshore Road. Given the size of the subject lands, the location of the cargo container on the subject lands, and the setbacks to the abutting Lakeshore Residential properties, the cargo container is not anticipated to negatively impact neighbouring properties or the area. Therefore, Planning staff have no concerns

with permitting a cargo container on the subject lands for personal storage. It is the opinion of Planning staff 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: For the reasons listed above, it is Planning staff's opinion that the application represents appropriate development of the subject lands.

4. Is the application minor?

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

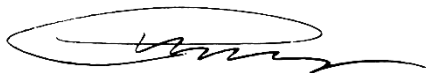
The subject application meets the four tests of a minor variance. Therefore, Planning staff recommends approval.

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 May 30th, 2024

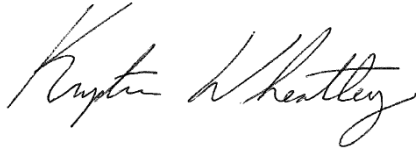
A copy of the staff report has been provided to the applicant.

Prepared by:



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

Reviewed by:

A handwritten signature in black ink, reading "Krystina Wheatley". The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

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

Location Map FILE #PLA-2024-095 APPLICANT: BALOGH



Location:
11 FEATHERSTONE AVENUE
GEOGRAPHIC TOWNSHIP OF
RAINHAM
WARD 2

Legal Description:

RNH PLAN 140 LOT 13

Property Assessment Number:

2810 158 001 60184 0000

Size:

0.54 Hectares

Zoning

**RL (Lakeshore Residential), HCOP Lakeshore
 Hazard Lands, LPRCA Regulated Lands**

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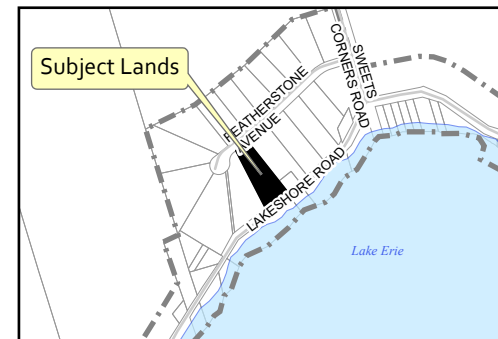


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Owner's Sketch FILE #PLA-2024-095 APPLICANT: BALOGH

