
Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-211

Property Roll Number: 2180-023-004-13300-0000

Applicant: Thomas Vis

Agent: No Agent

Property Location: 716 Hutchinson Road, Legally Described as Moulton Concession 3 LE Part Lots 6 to 8

For consideration on: December 17, 2024

Summary

The applicant requests relief from the maximum building height and building area permitted in the “Agriculture (A)” Zone of the Haldimand County Zoning By-law HC 1-2020 to permit a taller and larger residential accessory building on the subject lands. Planning staff recommends approval of this application subject to conditions as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-211 meets the four tests of a minor variance. Therefore, Planning staff recommends approval of the application subject to the following conditions:

- 1) That the accessory building meet all other provisions (setbacks) of the Haldimand County Zoning By-law HC 1-2020 to the satisfaction of Building & Municipal Enforcement Division.
- 2) Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development Technologist at 905-318-5932, ext. 6253 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
- 3) That the applicant enter into an agreement with Haldimand County regarding the required partial lot grading plan. Contact Chris Tang, Planner at the Planning & Development Division at 905-318- 5932 ext. 6203 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

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

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.5m	7.9m	1.4m
Accessory Building Area	200m ²	261m ²	61m ²

The applicant is proposing to build a detached accessory building to be used for personal (recreational vehicle) storage purposes on the subject lands. The applicant is requesting relief of the height of building and accessory building area provisions of the “Agriculture (A)” Zone of the Haldimand County HC 1-2020 Zoning By-Law to permit a taller and larger detached accessory building (garage) on the subject lands.

Site Features and Land Use:

The subject lands are located in the geographic township of Moulton, in the prime agricultural area of the County, and front onto the east side of Hutchinson Road. The subject lands are 0.54 hectares (1.34 acres) in size and have a frontage of 73.17 metres (240.06 feet) on Hutchinson Road. The subject lands currently contain a single detached dwelling. The attached Location Map shows a driveway connection for the subject lands as well as into the surrounding farm property, which was used to provide access to a barn on the surrounding farm property (not shown). The driveway connection has been disconnected and removed and the barn in the surrounding farm property has been removed. The surrounding land uses are generally rural residential and agriculture in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

- Spatial separation requirements of OBC are to be met for the proposed structure.
- Ensure interior side yard setback is 1 metre.
- Septic setbacks are to meet the minimum provisions set out in part 8 of the Ontario Building Code (OBC).
- Ensure hydro setback requirements are met.

Planning staff comment: Spatial separation and septic setback requirements are to be addressed as part of the building permit process. The Owner’s Sketch states the minimum side yard setback for an accessory building is 0.7 metres (2.30 feet). The Haldimand County Zoning By-law HC 1-2020 requires a minimum side yard setback of 1 metre (3.28 feet). The application form and owner’s sketch show a setback of 1 metre (3.28 feet). To ensure it is clear that the minimum side yard setback is 1 metre (3.28 feet), a condition of approval relating to such matter has been included. Hydro One has commented that they have no concerns with the application.

Haldimand County Planning & Development Services – Development Technologist:

Partial lot grading plan will be required. Drainage for property is South Hutchinson Municipal Drain.

Haldimand County Emergency Services:

No comments received.

Haldimand County Water and Wastewater Engineering & Compliance:

No Comments received.

Hydro One:

No concerns with application.

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 lands are designated “Agriculture” in the Haldimand County Official Plan (OP). Single family dwellings and accessory buildings are permitted within the “Agriculture” designation.

It is Planning staff's opinion that the subject application conforms to the 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 "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020. A single detached dwelling and residential accessory structure are permitted in the "A" Zone.

The applicant is seeking relief from the accessory building height and area provisions of the Zoning By-law in order to construct a taller and larger residential accessory building than is permitted. The applicant proposes an accessory building height of 7.9 metres (~26 feet) whereas 6.5 metres (~21 feet) is permitted and an accessory building area of 261 square metres (~2,809 square feet) whereas 200 square metres (~2,153 square feet) is permitted.

The intent of limiting residential accessory building height and area is to ensure that accessory buildings remain secondary to the principal dwelling on properties and to ensure that they do not negatively impact adjacent lands or the surrounding area. The proposed accessory building is to be used for personal (recreational vehicle) storage, accessory to the residential use on the subject lands. The proposed accessory building will be located to the rear of the subject lands and will be substantially setback from the public road; The location of the accessory building will reduce the visual impact of the height and massing of the accessory building. At the same time, the subject lands are surrounded by farmlands, where tall / large barns are expected. The accessory building is not anticipated to negatively impact adjacent lands or the surrounding area.

It is Planning Staff's opinion that the subject application maintains the general 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 the opinion of Planning staff that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

For the reasons listed above, it is opinion of Planning Staff 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 11/14/2024

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

Attachments:

1. Mapping Location
2. Owners Sketch