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# Haldimand County Committee of Adjustment



## Minor Variance

**File Number:** PLA-2024-235

**Property Roll Number:** 2180-022-002-17200-0000

**Applicant:** Patrick and Pam Hague

**Agent:** No Agent

**Property Location:** 349 Haldimand Road 17, Legally Described as CAN TRACT DOCHSTADER PT LOT 8 RP 18R1827 PARTS 1 TO 3

**For consideration on: December 17, 2024**

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## 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 area 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-2024-235 be approved as it meets the four tests of a minor variance. Therefore, Planning staff recommends approval of the application subject to the following conditions:

- 1) 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.
- 2) That the applicant enter into an agreement with Haldimand County regarding the required 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:

<b>Development Standard(s)</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Height of Building	6.50m	7.01m	0.51m
Accessory Building Area (Cumulative)	100m <sup>2</sup>	142.70m <sup>2</sup>	42.70m <sup>2</sup>

The applicant is proposing to build a detached accessory building to be used for personal storage purposes on the subject lands. The accessory building is proposed to be 7.01 metres (23 feet) tall and have an area of 111.42 square metres (1,200 square feet). The applicant is requesting relief of the height of building provision of the “Agricultural (A)” Zone of the Haldimand County Zoning By-law to permit a taller detached accessory building (garage) on the subject lands. The applicant is also requesting relief of the accessory building area to permit the construction of a detached accessory building in addition to the existing accessory buildings on the subject lands, including three (3) sheds and a Quonset hut. The accessory building area is cumulative such that all existing and proposed accessory buildings need to be accounted in the accessory building area.

## Site Features and Land Use:

The subject lands are located in the geographic township of Canborough and front onto the south side of Haldimand Road 17. The subject lands are located west of Dunnville, in the prime agricultural area of the County. However, the subject lands are located within a small row of existing rural residential lots that back onto the Grand River. The subject lands are 0.34 hectares (0.84 acres) in size and have a frontage of 27.43 metres (~90 feet) on Haldimand Road 17. The subject lands currently contain a single detached dwelling, three (3) sheds, a Quonset hut, and a gazebo. 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:

Ensure a minimum horizontal setback of 4.8 meters from the overhead power lines to the structure is met.

Structure must be 5 meters away from sewage system distribution piping and leaching chambers.

Call for locates before digging.

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

Partial grading plan is required.

**Planning staff comment:** A partial grading plan has been included as a condition of approval.

## **Haldimand County Emergency Services:**

No comments received.

## **Grand River Conservation Authority:**

The subject property contains floodplain and slope erosion hazards associated with the Grand River and Lake Erie flood hazard; the property is regulated by GRCA under Ontario Regulation 41/24. GRCA staff have reviewed the application and the proposed development is not within the regulated area. Therefore GRCA has no concerns with the minor variance application.

## **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 accessory buildings 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 and to account for the existing accessory buildings on the subject lands. The applicant proposes an accessory building height of 7.01 metres (23 feet) whereas 6.5 metres (~21 feet) is permitted. The applicant also proposes a cumulative accessory building area of 142.70 square metres (1,536 square feet) whereas 100 square metres (~1,076 square feet) is permitted for all accessory buildings. The proposed accessory building is expected to be used for a personal shop and storage space.

The intent of limiting residential accessory building height and area is to ensure that accessory buildings remain secondary or accessory to the principal dwelling on properties and to ensure that they do not negatively impact adjacent lands or the surrounding area. The proposed accessory structure is to be used for a personal shop and storage, accessory to the residential use on the subject lands.

In terms of building height, the proposed accessory building is setback at least 30 metres (~98 feet) from the road. While the accessory building is located along the south (left) interior side yard, the abutting lot to the south (335 Haldimand Road 17) is a substantially large rural residential lot, with the dwelling and accessory buildings located within the center of the lot. Therefore, the height of the accessory building is not expected to impact the surrounding area (streetscape) or the abutting lot.

In terms of building area, the Zoning By-law accounts for the cumulative total of all accessory buildings on lots. While the proposed accessory building has an area of 111.42 square metres (1,200 square feet), the existing accessory buildings bring the total building area up to 142.70 square metres (1,536 square feet).

The Zoning By-law also sets out two (2) maximum accessory building areas for the “A” Zone depending on the size of the lots. For lots smaller than 0.4 hectares (~1 acre), the maximum permitted accessory building area is 100 square metres (~1,076 square feet) and for lots larger than 0.4 hectares (~1 acre), the maximum permitted accessory building area is 200 square metres (~2,153 square feet). The Zoning By-law does not set out a sliding scale for lots between 0 and 0.4 hectares (~1 acre). However, it is appropriate to contemplate through a Minor Variance application a sliding scale for lots within this range. The subject lands are approximately 0.34 hectares (0.84 acres) in size and the proposed accessory building approximates the maximum permitted building area. The size of the subject lands is large enough to accommodate the proposed cumulative accessory building area without negatively impacting the adjacent lands or the character of surrounding area.

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 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 11/27/2024

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

**Attachments:**

1. Location Map
2. Owner Sketch