
Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-240

Property Roll Number: 2180-155-001-07804-0000

Applicant: Trevor McPherson and Cynthia McPherson

Agent: Willik Homes Ltd.

Property Location: No municipal address, Legally Described as North Cayuga Con 1 NTR Pt Lot 42 RP 18R8069 Part 1

For consideration on: December 17, 2024

Summary

The applicant is requesting relief from the maximum accessory building size within the “Hamlet Residential (RH)” Zone of the Haldimand County Zoning By-Law HC 1-2020 to permit an oversized residential accessory structure (detached garage) on the subject lands that exceeds the maximum size permitted in the zone. Planning staff recommends approval of this application as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-240 be approved. The application meets the four tests of a minor variance.

Prepared by: Mark Andrews, M.A., MCIP, RPP, Senior Planner

Reviewed by: Krystina Wheatley, Supervisor, Planning & Development

Details of the Submission:

Proposal: Relief is requested from Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses) of Zoning By-law HC 1-2020 as follows:

Development Standard	Required	Proposed	Deficiency
Accessory Building Area	100 m ² (1,076.4 ft ²)	139 m ² (1,496.2 ft ²)	39 m ² (419.8 ft ²)

The applicant is proposing to build an oversized residential accessory structure (detached garage with covered patio area) on the subject lands. The applicant is seeking relief due to the

design of the accessory building, which includes a covered patio with an overhang, which increases the building area.

Site Features and Land Use:

The subject lands are located in the historical geographic township of North Cayuga, and more specifically, the Hamlet of Decewsville. The subject lands were created through a previous Consent application (File PLB-2022-125) and front onto the west side of Decewsville Road. The subject lands have no municipal address. The subject lands have an area of 0.24 hectares (0.59 acre) with a frontage of 31.84 metres (104.5 feet) on Decewsville Road. The surrounding land uses are generally rural residential and agricultural in nature.

The subject lands contain a recently constructed accessory structure; the same accessory structure subject to this Minor Variance application. A single detached dwelling is currently under construction on the subject lands.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Building to be a minimum horizontal distance of 4.8 meters from overhead power lines.

Ensure the grading is sloped away from building.

Planning staff comment: Hydro One has reviewed the application and has no concerns. A lot grading plan has been accepted by the Development Technologist.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns. The lot grading plan was accepted by the Development Technologist on June 12, 2024.

Haldimand County Emergency Services:

No comments received.

Hydro One:

Hydro One has no concerns regarding this 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 “Hamlet” in the Haldimand County Official Plan (OP). Single family dwellings and accessory structures are permitted within the “Hamlet” designation, subject to the development criteria.

It is Planning staff’s opinion that the subject application conforms to the intent of the OP.

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

Planning staff comment:

The subject lands are zoned “Hamlet Residential (RH)” Zone in the Haldimand County Zoning By-law HC 1-2020. A single detached dwelling and residential accessory structures are permitted in the “RH” Zone. The applicant is seeking relief from Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses) of the Zoning By-law to permit an oversized accessory structure. The applicant proposes an accessory building area of 139 m² (1,496.2 ft²) whereas 100 m² (1,076.4 ft²) is permitted.

The intent of limiting residential accessory building area is to ensure that accessory buildings remain subordinate and accessory to the principle use (i.e., single dwelling) on properties and to ensure that they do not negatively impact adjacent properties and the surrounding area. The accessory structure encompasses approximately 5.8% of the total lot coverage for the subject lands. The interior accessory structure space is 98 square metres (~1,055 ft²), which is an appropriate interior area for a rural residential accessory structure, with the covered patio with an overhang making up the rest of the area. The accessory structure will remain subordinate and accessory to the principle use (i.e., single dwelling) on the subject lands and will also allow for a covered patio.

Further, the accessory structure is located in the rear of the subject lands and is not visible from the street. Given the proposed use of the accessory structure, the design of the accessory structure (including the covered patio), the location in the rear yard, and the minor relief requested, the accessory structure is not expected to negatively impact the adjacent properties and surrounding area.

As noted above, the accessory structure has been constructed ahead of the primary structure (i.e., single detached dwelling). However, Building Permits have recently been issued for the single detached dwelling and the home is currently under construction. The Haldimand County Zoning By-law HC 1-2020 requires that the main building (single detached dwelling) be constructed before or at the same time as the accessory structure. However, Building Permits have recently been issued for the single detached dwelling, which is currently under construction. Accordingly, Planning and Building do not have any concerns with the accessory structure being constructed first in this particular instance. The applicant also applied for Building Permits for the accessory structure but they could not be issued due to non-compliance with the Zoning By-law; if this Minor Variance application is approved, Building Permits will be issued for the accessory structure.

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 reasons aforementioned 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 reasons aforementioned 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 11/7/2024

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

Attachments:

1. Location Map
2. Owners Sketch