
Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-215

Property Roll Number: 2180-023-001-06200-0000

Applicant: Neil Covlin

Agent: No Agent

Property Location: 336 Diltz Road, Legally Described as Plan 3339 Moulton Concession 1 C Part Lot 5

For consideration on: November 12, 2024

Summary

The applicant requests relief from the maximum building area permitted in the “Agricultural Zone (A)” of the Haldimand County Zoning By-Law HC 1-2020 to permit a 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-2024-215 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 and Design 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 all existing accessory structures be removed to the satisfaction of the Building & Municipal Enforcement Division through the building permit process, as they have not been included in the minor variance approval for accessory building area.

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
Accessory Building Area	200m ²	210.54m ²	10.54m ²

The applicant is proposing to build a detached accessory building to be used for storage purposes on the subject lands. The applicant is seeking relief due to the design of the accessory building, which includes a porch with an overhang, which increases the building area. The existing driveway is proposed to extend to the new detached accessory building. All of the existing accessory buildings are proposed to be removed and have not been included in the accessory building area. The removal has been included as a condition of minor variance approval.

Site Features and Land Use:

The subject lands are located in the geographic township of Moulton. More specifically, the subject lands are located north of the urban area of Dunnville and in the prime agricultural area of the County. The subject lands legally front onto the north side of Bird Road and flank the west side of Diltz Road. However, the existing single detached dwelling on the subject lands faces Diltz Road and the subject lands are accessed via a driveway connection to Diltz Road. The subject lands are 0.74 hectares (1.83 acre) in size and have a frontage of 101.8 metres (333.99 feet) on Diltz Road. The subject lands currently contain a single detached dwelling and a number of small accessory buildings, which will be removed. The surrounding land uses are generally rural residential and agricultural in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Any accessory buildings that are currently on subject lands are to be removed prior to the construction of the new accessory building.

Haldimand County Planning & Development Services – Development Technologist:

Partial Grading/Drainage Plan for the proposed detached accessory building and the driveway to show that there will be no negative impacts on the surrounding neighbours, and that the water runoff can drain without any impacts of subject lands or adjacent lands.

It is to be noted that the proposed structure is within Municipal Drain named Van Kuren-Sundy.

Haldimand County Emergency Services:

No comments or concerns with this application.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments received.

Grand River Conservation Authority:

Review took place of application. A portion of the property is regulated by the GRCA. The minor variance application proposes to facilitate the construction of a storage building. The building is located outside of the natural hazard features and the associated allowances; GRCA has no objections of the approval of this minor variance.

Hydro One:

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 structures 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 buildings are permitted in the “A” Zone.

The applicant is seeking relief from the Accessory Uses, Buildings and Structures to Residential Uses section of the Zoning By-law to permit a larger accessory building area. The applicant proposes an accessory building area of 210.54 square metres (2,266.23 square feet) whereas 200 square metres (2,152.78 square feet) is permitted. The applicant informed Planning Staff that the other small accessory structures on the subject lands will be removed. The small accessory buildings have not been included in the overall accessory building area and therefore, their removal has been included as a condition of approval. The proposed accessory building is expected to provide personal storage space and to clean up the subject lands.

The intent of limiting residential accessory building area is to ensure that accessory buildings remain secondary or accessory to the principle dwelling on properties and to ensure that they do not negatively impact adjacent properties and the surrounding area. The proposed accessory building is to be used for personal storage, accessory to the residential use on the subject lands. The proposed accessory building will make up less than three percent (3%) of the lot coverage for the subject lands. The proposed accessory building will be secondary and accessory to the principle dwelling on the subject lands.

Further, the proposed accessory building is proposed to be located at the back of the subject lands and there is vegetation on and surrounding the subject lands. The proposed accessory building will be well screened from the neighbouring properties and from the streets. The proposed accessory building area approximates the maximum accessory building area, being only one percent (1%) larger than permitted. Given the proposed use of the accessory building and the location, screening, and the minor relief requested, the accessory building is not expected to be obtrusive to the adjacent properties and 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 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

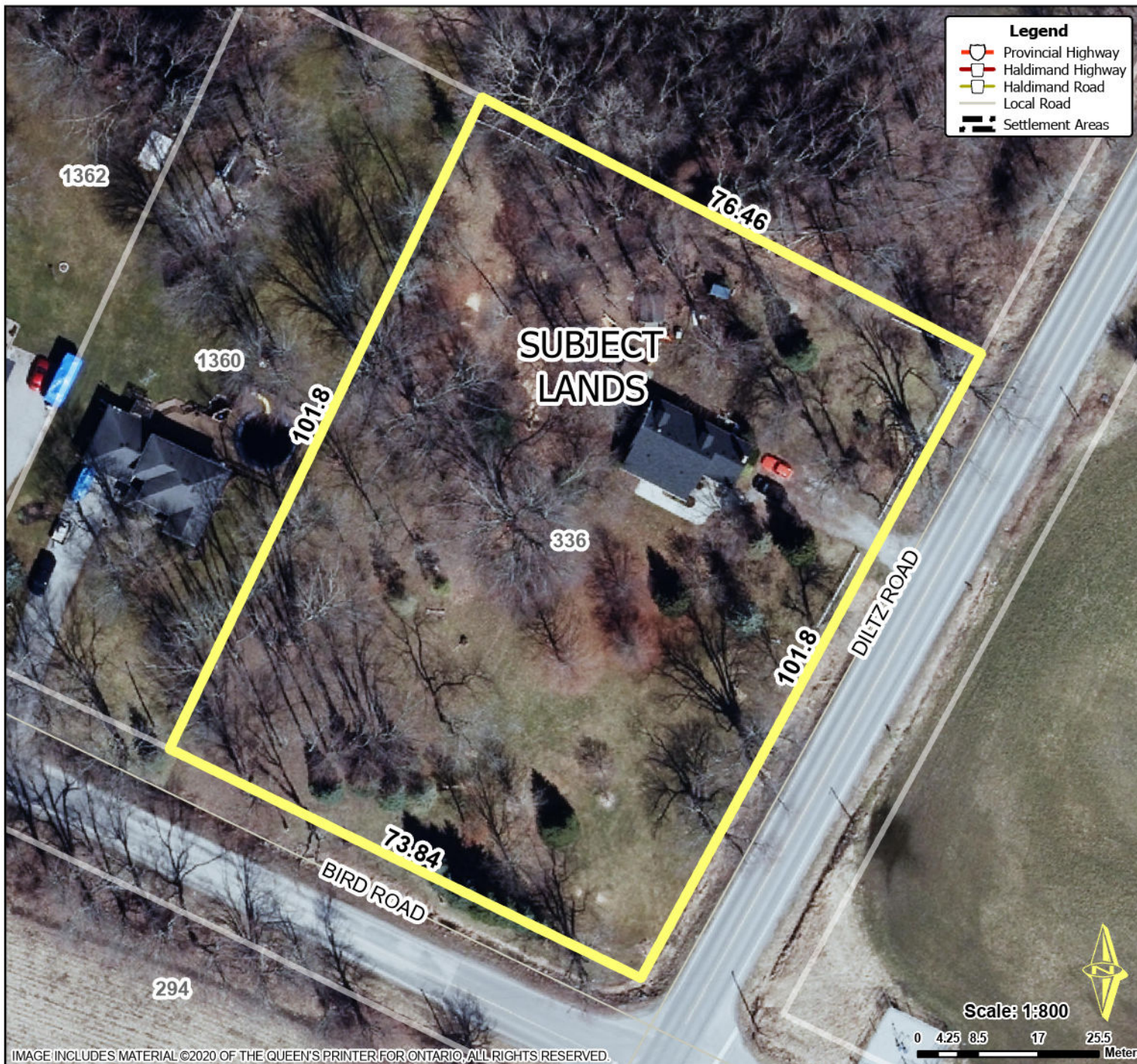
A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 10/16/2024

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

Attachments:

1. Map Location
2. Owners Sketch

Location Map FILE #PLA-2024-215 APPLICANT: Covlin



Location:

**336 DILTZ ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5**

Legal Description:

PLAN 3339 MLT CON 1 C PT LOT 5

Property Assessment Number:

2810 023 001 06200 0000

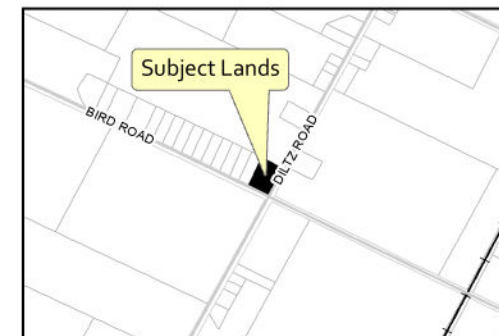
Size:

0.74 HECTARES

Zoning:

A (Agricultural), GRCA Regulated Lands

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Owner's Sketch FILE #PLA-2024-215 APPLICANT: Covlin

