

Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2025-032

Property Roll Number: 2810-155-001-06400-0000

Applicant: Harry J. Wood

Agent: Julia Cangemi

Property Location: North Cayuga Concession 1, NTR Part Lot 41, Reference Plan 18R5542 Parts 1 & 2 , Known Municipally as 4489 Highway 3, Cayuga

For consideration on: April 22, 2025

Summary

Relief is requested to permit an accessory structure (i.e., detached garage) with a height of 7.80 metres (25.6 feet), whereas 6.5 meters (21.3 feet) is permitted, to allow for the proposed garage to have a second storey for personal storage usage. The subject lands are located within the 'Agricultural "(A)" Zone of the Haldimand County Zoning By-Law HC 1-2020.

Recommendation

THAT application PLA-2025-032 be APPROVED. The application meets the four tests of a minor variance.

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

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

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 4.2) provisions, specifically pertaining to building height of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.5 metres (21.3 feet)	7.80 metres (25.6 feet)	1.3 metres (4.3 feet)

The relief is requested to permit the construction of a garage with a second storey for personal storage space that is above the maximum permitted height in accordance with the Accessory Uses, Buildings and Structures to Residential Uses (Section 4.2) provisions of the Zoning By-law. The proposed

accessory structure (i.e., detached garage) will have a height of 7.8 metres (25.6 feet) whereas the maximum permitted height is limited to 6.5 metres (21.3 feet). Accordingly, a variance of 1.3 metres (4.3 feet) is required to facilitate the proposal.

Site Features and Land Use:

The subject lands are located in the geographic township of North Cayuga and fronts onto the north side of Highway 3. The subject lands currently contain a single detached dwelling. The subject lands previously contained an accessory structure, which was destroyed by fire. The proposed replacement accessory structure will be located in generally the same location as the former structure. The proposal is to rebuild the accessory structure with a higher height. The surrounding land uses consist primary of agricultural with associated residential uses.

The subject lands are designated “Agricultural” with the Mineral Aggregate Resource Areas overlay on Schedule “A.2” (Haldimand County Southwest Land Use Plan) in the Haldimand County Official Plan (OP) and zoned ‘Agricultural “(A)”’ Zone in accordance with Haldimand County Zoning By-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

MTO Approvals will be required, and assurances that the setbacks for the septic system is in compliance with Part 8 of the Ontario Building Code.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns.

Haldimand County Emergency Services:

No concerns with application

Ministry of Transportation:

No concerns with the proposed minor variance application. No MTO Building and Land use permit is required for this proposed work.

Hydro One:

No comments received.

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 “Agricultural” with the Mineral Aggregate Resource Areas overlay on Schedule “A.2” (Haldimand County Southwest Land Use Plan) in the Haldimand County Official Plan (OP), which contains policies intended to preserve and protect the long-term viability of the agricultural land base for agricultural purposes and to maintain an environment conducive to such purposes. These policy permissions include accessory buildings to existing and new residential dwellings.

While the OP does not contain specific policies pertaining to accessory buildings and structures, pursuant to Section 3.A.1.12, a single detached dwelling and accessory uses thereto may be permitted on an existing lot of record or on a lot created by consent in accordance with the policies of this plan and in accordance with the applicable zone provisions.

Therefore, 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)”’ in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory building that exceeds maximum permitted height. The proposed accessory building is to be used for personal storage and as a detached garage to replace the previous structure that was destroyed by fire.

The intent of limiting the height of accessory buildings is to ensure that they remain subordinate to the primary use on properties and to ensure that they do not negatively impact the character of the area. The proposed structure is to be used for personal storage and as a detached garage, accessory to the permitted single detached dwelling on the subject lands.

In terms of building height, the accessory building will be set back from the road and screened by existing trees. Additionally, there are existing farm buildings on the adjacent lot, close to the location of the proposed accessory structure, which the proposed accessory structure will not appear intrusive to the surrounding area. Therefore, the structure is not anticipated to negatively impact neighbouring properties or the character of the area.

It is Planning staff’s opinion 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:

The proposed accessory structure will have similar height with the farm buildings on the adjacent lands and is intended to replace a previously existing accessory structure that was destroyed by fire. As such, it is not expected that the proposal will have any measurable impacts to the surrounding area and therefore, it is Planning Staff’s opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

Given the relatively small deviation of the Zoning By-law provisions to facilitate the proposal, and given that no objections or concerns have been received with respect to the subject Minor Variance application, staff are satisfied that the variance proposed is minor.

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 April 1, 2025.

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

Attachments:

1. Location Map
2. Owner's Sketch 1
3. Owner's Sketch 2