

# Haldimand County Committee of Adjustment



## Minor Variance

**Title:** PLA-2025-086

**Property Roll Number:** 2810-022-001-06900-0000

**Applicant:** Sherry Galbraith

**Agent:** Dale Fuze

**Legal Description:** Canborough Concession 2 Part Lot 16 Reference Plan 18R685 Part 1, Known Municipally as 6900 Highway 3

**For consideration on:** June 24, 2025

## Summary

An application for a Minor Variance has been received to permit an oversized accessory dwelling unit (ADU) that is located further from the existing farm building cluster on the subject lands. The subject lands are located to the west of the Hamlet of Canborough, on the south side of Highway 3. The lands are currently zoned as "Agriculture" (A) Zone in the Haldimand County By-law HC-1-2020.

## Recommendation

THAT application PLA-2025-086 be DEFERRED. Should the Committee approve the application it will be subject to the condition below. The application meets the four tests of a minor variance.

Condition:

1. That any and all applicable Ontario Ministry of Transportation (MTO) requirements, be satisfied, including, but not limited to any permitting requirements.

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

**Reviewed by:** Mark Andrews, M.A., MCIP, RPP, Senior 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 and Additional Dwelling Units provisions of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
4.2 f) Accessory Building Size	200 square metres (2,152.8 square feet)	265.3 square metres (2,855.7 square feet)	65.3 square metres (702.9 square feet)
Additional Dwelling Unit Size	57.7 square metres (621.1 square feet)	119.1 square metres (1,282.0 square feet)	61.4 square metres (660.9 feet)
Distance to Farm Building Cluster	45 metres (147.6 feet)	50 metres (164 feet)	5 metres (16.4 feet)

The requested relief from the Zoning By-law is intended to permit an oversized Additional Dwelling Unit (ADU) on the east side of the property, exceeding the maximum additional dwelling unit size by 61.4 square metres (660.9 square feet), thus resulting in a proposed structure of 119.1 square metres (1,282 square feet) in area.

Relief is also being sought regarding the minimum required distance between the primary dwelling and the existing farm building cluster on the property, recognizing a proposed distance of 50 metres (164 feet), whereas a maximum of 45 metres (147.6 feet) is permitted under the Haldimand County Zoning By-law HC-2020.

## Site Features and Land Use:

The subject lands are located in the former township of Canborough and fronts onto the south side of Highway 3. The subject lands currently contain a single family detached dwelling, accessory structures and farm buildings. The proposed accessory dwelling unit has a proposed entrance fronting onto highway 3 which will require approval from the Ontario Ministry of Transportation(MTO).

The subject lands are zoned 'Agriculture "(A)" Zone, in the Haldimand County Zoning By-law HC 1-2020 and designated "Agriculture" on Schedule "A.1" (Haldimand County North Land Use Plan) in the Haldimand County Official Plan. The surrounding land uses are generally agriculture and rural residential in nature.

## Existing Intensive Livestock Operations:

Not applicable.

## 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). Section 4.I.1 states that secondary suites (i.e., additional dwelling units) are permitted in any

land use designation that permits a single detached, a semi-detached or a street townhouse dwelling, provided that the secondary suite is secondary to the primary dwelling on the lot. The proposed secondary suite is a detached secondary suite, accessory to the principal dwelling. The agricultural designation permits a single detached dwelling and secondary suites are therefore a permitted use under the OP.

It is the opinion of Planning staff that the proposed ADU maintains the general intent and purpose of the OP.

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

**Planning staff comment:**

The subject property is zoned "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020 and secondary suites are permitted in the "(A)" zone.

The proposed secondary suite will have the follow deficiencies:

*Distance from Farm Cluster:*

Section 4.55 of the Zoning By-law states that the maximum distance from the primary residence or farm building cluster shall be no greater than 45 metres (147.6 feet). The proposed distance from the secondary suite to the farm cluster is 50 metres (164.0 feet), exceeding the provision by 5 metres (16.4 feet). A relief of 5 metres (16.4 feet) from the farm building cluster is therefore required.

*Size of Secondary Suite:*

Section 4.55 of the Zoning By-law states that the maximum size for each secondary suite in an Agriculture Zone shall be no greater than 40% of the gross floor area of the primary residential dwelling on the lot and subject to the total accessory building areas of the zoning by-law. The calculated permitted size is 57.7 square metres (621.1 square feet) and the size of the secondary suite is 119.1 square metres (1,282 square feet). A relief of 61.4 square metres (660.9 square feet) is therefore required.

*Maximum Accessory Building Lot Coverage:*

Section 4.2 of the Zoning By-law states that for lots that are greater than 0.4 hectares in size permits a maximum lot coverage for all accessory buildings and structures of 200 square metres (2,152.8 square feet). The proposed lot coverage of all accessory structures and the proposed secondary suite is approximately 265.3 square metres (2855.7 feet), exceeding the provision by 65.3 square metres (702.9 square feet). A relief of 65.3 square metres (702.9 square feet) is therefore required.

*Planning Review:*

The intent of the above provisions is to ensure that the secondary suite are located within close proximity to the principal dwelling to minimize the agricultural lands being taken out of operation, to ensure that the secondary suite is accessory to the principal dwelling; and to limit the total amount of accessory structures in order to reduce potential impacts on adjacent property and to ensure that the accessory structures remain subordinate to the principal use on the property.

The proposed location of the proposed secondary suite is due to the layout of existing structures on the property and a variance of 5.0 metres does not have a significant impact on the existing farming operation. Additionally, the proposed secondary suite still falls within close proximity of the farm cluster, is not expected to have a negative visual impact on the property, and remain accessory to the principal dwelling. It is the opinion of Planning staff that the proposed secondary suite maintains the general intent and purpose of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:**

In addition to County policies, the Provincial Planning Statement 2024 (PPS) supports the development of accessory dwelling units or secondary suites through gentle intensification by providing a range and mix of housing options. Based on the reasons listed above the proposal is a desirable and appropriate development of the subject lands.

4. Is the application minor?

**Planning staff comment:**

With the reasons listed above, it is the opinion of Planning staff that the application is minor.

The subject application **meets** the four tests of a minor variance.

**Other Information**

The subject lands fronts onto Highway 3, which is regulated by the Ontario Ministry of Transportation (MTO). The applicant proposes to have an additional entrance onto Highway 3, which is subject to MTO approval. Therefore, a condition has been added which all applicable MTO requirements will need to be satisfied.

Additionally, the public notice sign was posted on June 17, 2025 which does not meet the public notice requirement set out in the *Planning Act*. Therefore, Planning staff is recommending deferral of this application.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:**

MTO land use approval required for building permit application, setbacks to septic system to comply with 8.2.1.6. of the Ontario Building Code (OBC), required setback of 4.8 meters to overhead power lines, building permit to be applied for must conform to the 2024 OBC requirements, front yard setback of 13 meters required.

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

Entrance permit and driveway culvert is required.

**Haldimand County Emergency Services:**

No comments received.

**Haldimand County Water and Wastewater Engineering & Compliance:**

No comments received.

**Niagara Peninsula Conservation Authority:**

NPCA has no comments or interest with this property.

**Ministry of Transportation:**

Application received and being actively reviewed.

**Hydro One:**

Hydro One has no concerns with the proposed work on the property pertaining to PLA-2025-086. We ask that if the customer has any work they would like done regarding their connection to the hydro grid, that they submit any requests through the Hydro One website to be actioned accordingly.

**Municipal Property Assessment Corporation:**

No comments received.

**Mississaugas of the Credit:**

Mississaugas of the Credit have no questions or comments at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights. MCFN will require to be updated on any future projects/changes of the proposed lands.

**Six Nations:**

No comments received.

**Public:**

No comments received.

**Notice Sign and Applicant Discussion**

A public notice sign was posted, but is not in accordance with the Planning Act, R.S.O. 1990, c. P.13 on June 17, 2025

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

**Attachments:**

1. PLA-2025-086 Location Map
2. PLA-2025-086 Owners Sketch



# Location Map FILE #PLA-2025-086 APPLICANT: Galbraith

PLA-2025-086

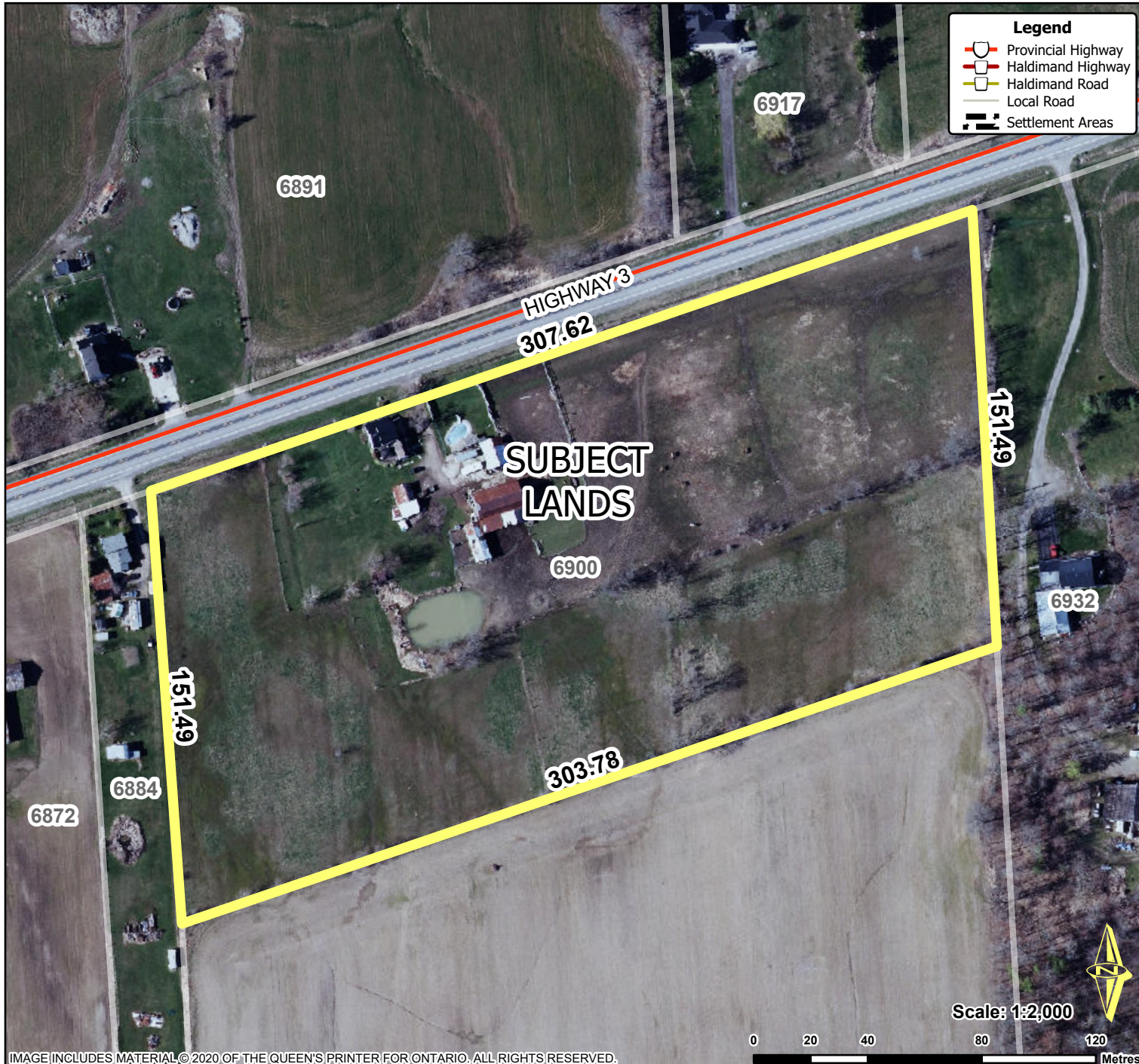


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PREPARED BY HALDIMAND COUNTY PLANNING & DEVELOPMENT DIVISION,  
GIS SECTION. May 2025

## Location:

**6900 HIGHWAY 3  
GEOGRAPHIC TOWNSHIP OF  
CANBOROUGH  
WARD 6**

## Legal Description:

**CAN CON 2 PT LOT 16 RP 18R685 PART 1**

## Property Assessment Number:

**2810 022 001 06900 0000**

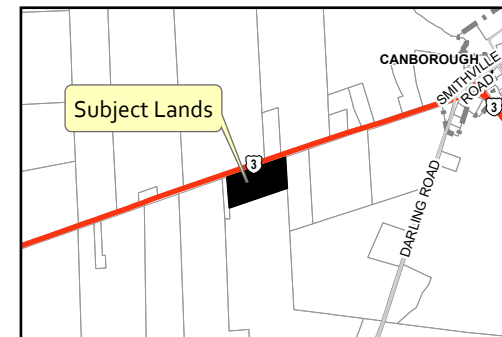
## Size:

**4.47 Hectares (11.05 Acres)**

## Zoning:

**A (Agriculture)**

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# Owner's Sketch FILE #PLA-2025-086 APPLICANT: Galbraith

PLA-2025-086

