



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: March 8, 2022
File Number: PLA-2022-001
Property Roll Number: 2810-158-001-60160
Applicant: Annmarie Thompson
Property Location: Plan 140, Lot 18, Geographic Township of Rainham, known municipally as 2 Featherstone Avenue

Recommendation

That application PLA-2022-001 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the provisions of the Lakeshore Residential (RL) Zone of Zoning By-law HC 1-2020 as follows:

| Development Standards | Required | Proposed | Deficiency |
|-----------------------|---------------------------|---------------------------|---------------------------|
| Exterior Side Yard | 7.0 metres (23.0 feet) | 3.2 metres (10.5 feet) | 3.8 metres (12.5 feet) |

The relief is requested to permit the installation of a swimming pool and extension to the decking adjacent to the existing deck.

Site Features and Land Use: The subject lands are located at the corner of Sweets Corners Road and Featherstone Avenue, know municipally as 2 Featherstone Avenue. The subject lands are 0.5 hectares (1.25 acres) in size and currently contain a single detached dwelling. A fence is currently located on the property in the area of the proposed pool and deck. This fence extends beyond the limits of the lot, into the County owned road allowance. The applicant is proposing to remove this fence and replace it on the lot so the encroachment no longer exists.

The lands to the north and east are agricultural in nature. The lots along Featherstone Avenue to the south and west are residential. Lake Erie is located nearby to the south of the subject lands.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No comments.

Haldimand County Planning & Development Services – Development & Design Technologist: No comments.

Haldimand County Emergency Services: No comments received.

Haldimand County Property Coordinator: Given that the fence along Sweets Corners Road is currently on Haldimand County property, the County would prefer that the said fence be moved to the property line. (NOTE: A subsequent revision of the application has the fence being removed).

Hydro One: No objections.

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 'Resort Residential' in the Haldimand County Official Plan. Residential uses, including dwellings and related accessory structures are permitted in existing Resort Residential Nodes. A pool and deck are considered to be appropriate as accessory uses to a single detached dwelling. It is the opinion of Planning staff that the subject application conforms to the general 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 ‘Lakeshore Residential (RL)’. The RL zone permits dwellings and related accessory structures. A pool and the related decking is considered to be an appropriate accessory structure in the RL zone.

Section 4.2 of the Zoning By-law speaks to “Accessory Uses, Buildings and Structures to Residential Uses”. Section 4.2(c) states that no accessory structure is permitted to “occupy any part of the a required exterior side yard...” The RL zone has a required exterior side yard of 7 metres. The application is seeking 3.8 metres of relief to permit an exterior side yard of 3.2 metres for the installation of a pool and construction of related decking. The intent of a required exterior side yard provision is to provide separation between structures and the travelled road ensuring no negative impacts on motorists and sufficient space for infrastructure within the road allowance. The construction of a pool will not lead to any negative impacts on the safety of the roadway. Further, the proposed pool and deck will not negatively impact infrastructure in the area. Finally, an existing fence currently encroaches into the road allowance. This encroachment will addressed as part of the development by removing the existing fence and rebuilding it at the property line. The construction of the fence will be in compliance with the Haldimand County Fence By-law (By-law 2217/20) and the Ontario Building Code requirements for a pool enclosure.

It is the opinion of Planning staff that the subject application maintains the intent of the Haldimand County Zoning By-law.

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

Planning staff comment: The subject application will facilitate the installation of a pool and the related decking. Further, the existing fence will be replaced by an appropriate fence that no longer encroaches into the road allowance. While the pool and deck will be located within the require exterior side yard, the new fence will be further removed from the travelled road than the existing fence.

It is the opinion of Planning staff that the subject application is desirable for the appropriate development of the lands.

4. Is the application minor?

Planning staff comment: The Zoning By-law requires that no accessory structures are permitted within a required exterior side yard. A pool and related decking constitutes a structure, as defined in the Zoning By-law. As a pool is required to be enclosed by a fence, and a fence is permitted to be located along the property line, the required relief is minor in nature. Further, a pool and related decking are low to the ground and do not represent a visual obstruction for motorists.

It is the opinion of Planning staff 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 February 23, 2022.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:



Neil Stoop, MSc., RPP
Planner
905-318-5932 extension 6202

Reviewed by:



Alisha Cull, BES, MCIP, RPP
Supervisor, Development Services
905-318-5932 ext. 6208

Location Map FILE #PLA-2022-001 APPLICANT: Thompson



Legend

- Provincial Highway
- Haldimand Highway
- Haldimand Road
- Local Road
- Settlement Areas

Location:
2 FEATHERSTONE AVENUE
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2

Legal Description:
RNH PLAN 140 LOT 1

Property Assessment Number:
2810 158 001 60160 0000

Size:
1.25 Acres

Zoning:
RL (Lakeshore Residential)

HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

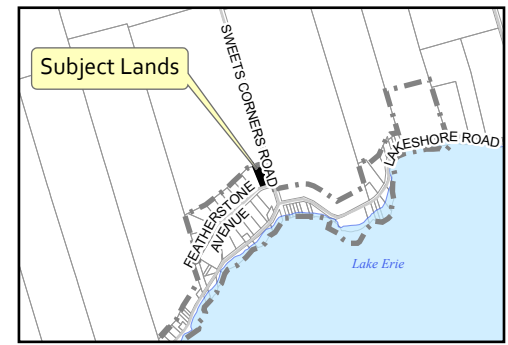
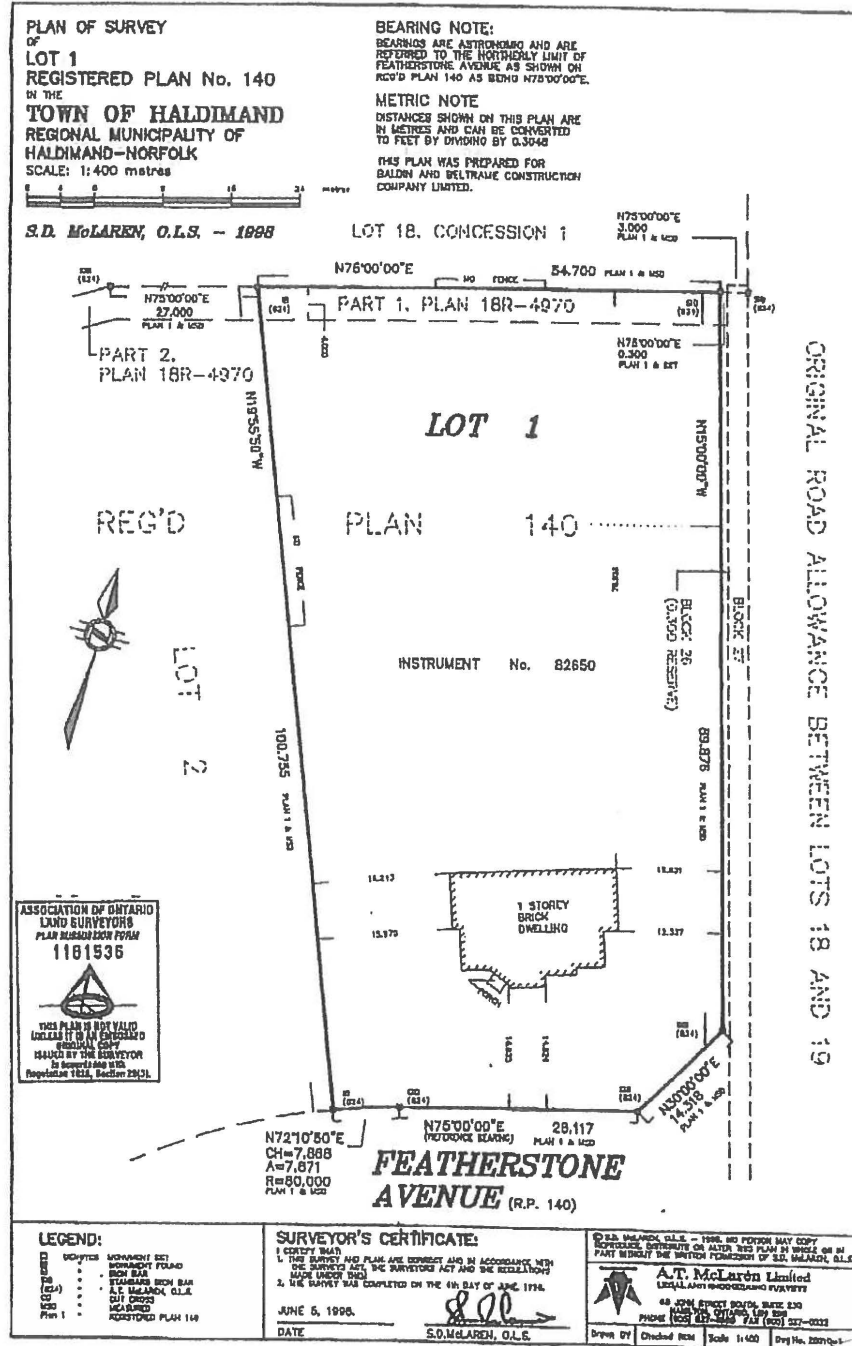
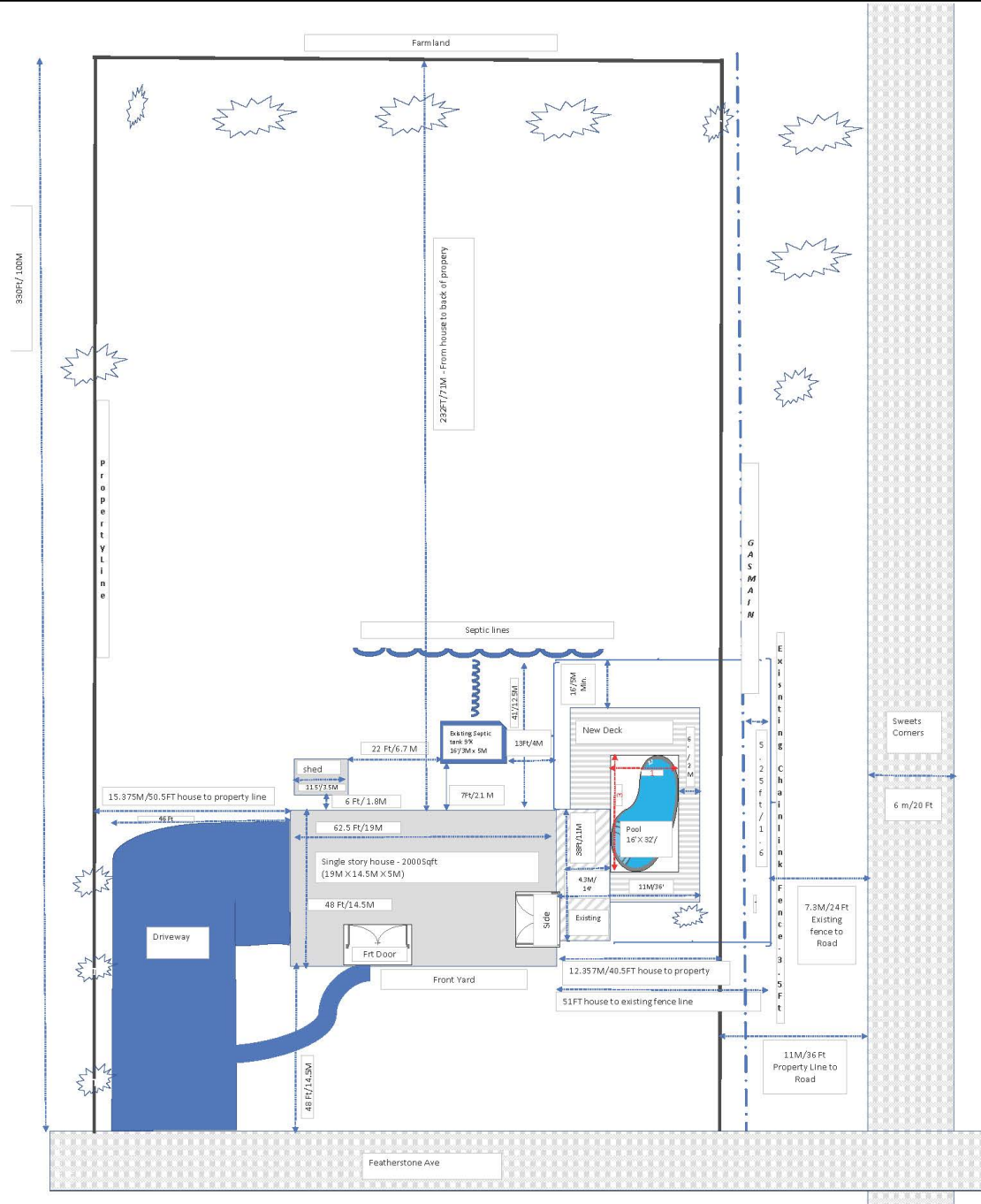


IMAGE INCLUDES MATERIAL © 2015 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch 1 of 2 FILE #PLA-2022-001 APPLICANT: Thompson



Owner's Sketch 2 of 2 FILE #PLA-2022-001 APPLICANT: Thompson





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: March 8, 2022
File Number: PLA-2022-002
Property Roll Number: 2810-152-001-02700
Applicant: Thomas Los
Property Location: Concession 1 South East of Stoney Creek Road, Part Lot 13, Geographic Township of Seneca, known municipally as 960 Indiana Road East

Recommendation

That application PLA-2022-002 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the provisions of the Agricultural (A) Zone of Zoning By-law HC 1-2020 as follows:

| Development Standards | Required | Proposed | Deficiency |
|-------------------------|---|---|--|
| Height of Building | 6.5 metres (21.3 feet) | 7.62 metres (25 feet) | 1.12 metres (3.7 feet) |
| Accessory Building Area | 200 square metres (2153 square feet) | 297 square metres (3197 square feet) | 97 square metres (1044 square feet) |

The relief is requested to permit the construction of a workshop on the subject property.

Site Features and Land Use: The subject lands are located within the County's prime agriculture lands in the geographic township of Seneca. The property has frontage on the south side of Indiana Road East and the west side of Highway 56. The property contains a mix of mature vegetation and open lawn. The parcel is approximately 1.4 hectares (3.45 acres) in size and currently contains a dwelling with an attached garage.

Existing Intensive Livestock Operations: Not Applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No comments.

Haldimand County Planning & Development Services – Development & Design Technologist: Ensure that an entrance permit has been applied for prior to the issuance of a building permit.

Haldimand County Emergency Services: No comments received.

Niagara Peninsula Conservation Authority: No comments received.

Hydro One: No objections.

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 Official Plan and a portion subject to the Natural Hazard Overlay. A single detached dwelling and related accessory structures are permitted uses in the “Agriculture” designation. A portion of the lands are Significant Woodlands; however, the proposed building envelope is outside of this area.

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

Planning staff comment: The subject application is seeking 1.12 metres of height relief and 97 square metres of area to permit a secondary building with a height of 7.62 metres where 6.5 metres is permitted and an area of 297 metres squared when 200 metres square is permitted.

The intent of a maximum height provisions is to limit the impact on neighbouring properties and to ensure the structure maintains the general character of the area. The proposed structure is well removed from neighbouring residential uses, and is largely surrounded by trees and agricultural areas. Further, the proposed

height of 7.62 metres is less than the permitted height of 11 metres for principal structures in the “Agricultural (A)” zone. The proposed increase in height is not anticipated to negatively impact neighbouring properties or disrupt the character of the area.

The purpose of the maximum required accessory structure size is to ensure that the accessory structure remains secondary to the principal dwelling on the property and compatible with the residential use of the property and neighbourhood. The accessory structure will be slightly larger than the dwelling and will be approximately two percent (2%) of the lot area.

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

Planning staff comment: The subject application is seeking relief to facilitate the construction of a detached storage building. This is a permitted accessory use in the “Agricultural (A)” zone. The applicant is not proposing any habitable space in the garage and is seeking additional height and space to accommodate space for a large trailer, maintenance equipment and recreational vehicles. The subject application is considered desirable for the appropriate development of the lands.

4. Is the application minor?

Planning staff comment: The proposed accessory building will be separated from nearby residential uses and surrounded predominantly by trees and farmland. Further, the proposed height is less than the maximum permitted height for a dwelling on the subject lands. For these reasons, and reasons listed above, it is the opinion of Planning staff 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*. Confirmation was given by the applicant on March 1, 2022.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:



Jessica Easson, BBA
Planning Technician
905-318-5932 extension 6212

Reviewed by:



Alisha Cull, BES, MCIP, RPP
Supervisor, Development Services
905-318-5932 ext. 6208

Location Map FILE #PLA-2022-002 APPLICANT: Los



Location:

**960 INDIANA ROAD EAST
GEOGRAPHIC TOWNSHIP OF SENECA
WARD 4**

Legal Description:

SEN CON 1 SESCR PT LOT 13

Property Assessment Number:

2810 152 001 02700 0000

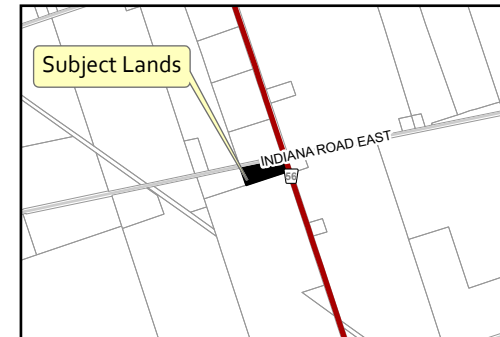
Size:

3.45 Acres

Zoning:

A (Agricultural) & HL (Hazard Lands)

HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

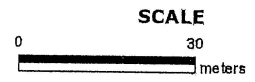


Owner's Sketch FILE #PLA-2022-002 APPLICANT: Los



ServiceOntario

PRINTED ON 05 JAN, 2022 AT 07:35:36
FOR THOMAS LOS



PROPERTY INDEX MAP
HALDIMAND(No. 18)

LEGEND

| | |
|----------------------------------|-------|
| FREEHOLD PROPERTY | |
| LEASEHOLD PROPERTY | |
| LIMITED INTEREST PROPERTY | |
| CONDOMINIUM PROPERTY | |
| RETIRED PIN (MAP UPDATE PENDING) | |
| PROPERTY NUMBER | 0449 |
| BLOCK NUMBER | 08050 |
| GEOGRAPHIC FABRIC | |
| EASEMENT | |

THIS IS NOT A PLAN OF SURVEY

NOTES

- REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS
- THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY
- FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS
- ONLY MAJOR EASEMENTS ARE SHOWN
- REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED



© Queen's Printer for Ontario, 2022

