

# Haldimand County Committee of Adjustment Consent

Meeting Date: August 16, 2022

File Number: PLB-2022-092

**Property Roll Number:** 2810-155-003-06600

**Applicant**: 5003427 Ontario Inc.

Agent: Kim Hessels

**Property Location:** Concession 1 North of Talbot Road, Part Lot 22, Geographic

Township of North Cayuga, known municipally as 5579

Highway 3

#### Recommendation

That application PLB-2022-092 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

## **Details of the Submission**

**Proposal:** The applicants propose to sever a lot containing an existing surplus farm dwelling and a shed. The severed lands will have a frontage of approximately 61 metres (200.1 feet) and will contain an area of 0.6 hectares (1.48 acres). The retained parcel will contain an area of approximately 36.1 hectares (89.2 acres).

**Site Features and Land Use:** The subject lands are located in the geographic township of Oneida and front onto the north side of Highway 3. The site contains a residential dwelling and a garden shed. A wood working facility is located on a property to the east of the subject property. Surrounding land uses are agricultural in nature.

Existing Intensive Livestock Operations: Not applicable on this property.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement: No comments received.

Haldimand County Planning & Development – Development Technologist: No comments or concerns.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Grand River Conservation Authority: No objection to the proposed application.

**Ministry of Transportation:** No comments received. Clearance from the Ministry of Transportation will be a condition of approval.

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**

# **Provincial Policy Statement, 2020 (PPS)**

The subject lands are designated 'Agriculture' and are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area; however, the PPS permits lot creation for a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water service; and the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by severance. The proposal is consistent with the PPS.

#### A Place to Grow, 2020

A Place to Grow does not provide surplus farm dwelling criteria. As such, the proposal is consistent with A Place to Grow.

### Haldimand County Official Plan (OP)

The OP builds onto the PPS surplus farm dwelling policies, providing further details. The OP states that a severance maybe granted for a habitable farm dwelling of a minimum age of 10 years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new

residential dwellings shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed in 1960.

In addition, the OP directs that the creation of surplus farm dwelling lot be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production. Consideration of varying the size of the parcel includes ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;
  - **Planning Comment:** The subject application is proposing to create a surplus farm dwelling lot with an area of approximately 0.6 hectares (1.48 acres). The size is such to have adequate space for a dwelling and services and limit the lands taken out of agriculture production. The policy allows for alternative lot sizes to limit fragmentation of farmland, for environmental or topographical reasons or due to the location of existing farm buildings and structures. The creation of the surplus farm dwelling lot will not have a negative effect on the retained farmlands.
- No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed per the *Ontario Building* Code;
  - **Planning Comment:** The site is serviced by an existing on-site sanitary sewage system and meets the minimum lot frontage (30 metres) and minimum lot area (1,855 square metres).
- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;
  - **Planning Comment:** The proposed lot creation will not adversely affect the operation or viability of the farm.
- d) Severances that do not meet the Minimum Distance Separation (MDS) formulae, as amended shall not be permitted;
  - **Planning Comment:** No livestock were observed on the subject lands at the time of site inspection; as such, MDS does not apply to this proposal.

- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;
  - **Planning Comment:** The subject lands are not located within 300 metres of a licensed pit or 500 metres from a licensed quarry, and are well removed from waste disposal sites and other potential land use conflicts.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road; and
  - **Planning Comment:** The subject lands have existing safe access from Highway 3. Both the severed lands and retained lands will be accessed from Highway 3. Highway 3 is a provincially owned and maintained road.
- g) Potential impacts on natural environment areas and/ or cultural resources shall be assessed and addresses, where necessary.

**Planning Comment:** The application, as proposed, is not anticipated to have a negative impact on natural or cultural resources.

## Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agriculture (A)' Zone. The proposal complies with the Zoning By-law provisions. The retained farmlands will automatically be rezoned to remove a dwelling as a permitted use in accordance with Provincial policy.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 6, 2022.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

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:

David Scott, MPLAN Secretary-Treasurer, Committee of Adjustment 905-318-5932 ext. 6220

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. Subject to the approval from the Ontario Ministry of Transportation..
- 3. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 4. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 61 metres (200.1 feet) and will contain an area of 0.6 hectares (1.48 acres). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N

Projection: Transverse\_Mercator False Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.00000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System: GCS North American 1983

Datum: D North American 1983

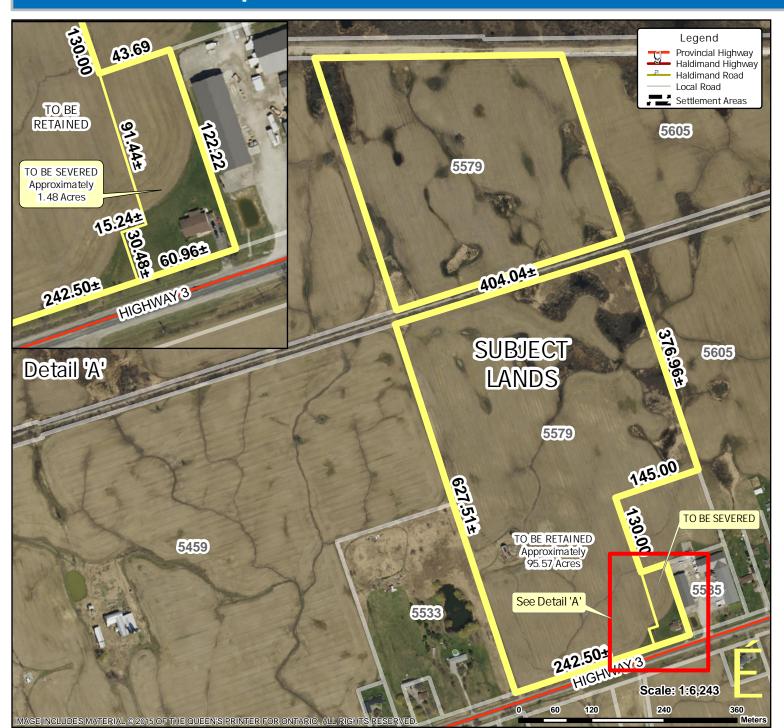
Prime Meridian: Greenwich Angular Unit: Degree

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 16, 2024, after which time this consent will lapse.

File No. PLB-2022-092 5003427 ONTARIO INC.

Assessment Roll Number: 2810-155-003-06600

# Location Map FILE #PLB-2022-092 APPLICANT: 5003427 Ontario Inc.





#### Location:

5579 HIGHWAY 3 GEOGRAPHIC TOWNSHIP OF NORTH CAYUGA WARD 2

Legal Description:

**NORTH CAYUGA CON 1 NTR PT LOT 22** 

Property Assessment Number:

2810 155 003 06600 0000

Size:

**97.05 Acres** 

Zoning:

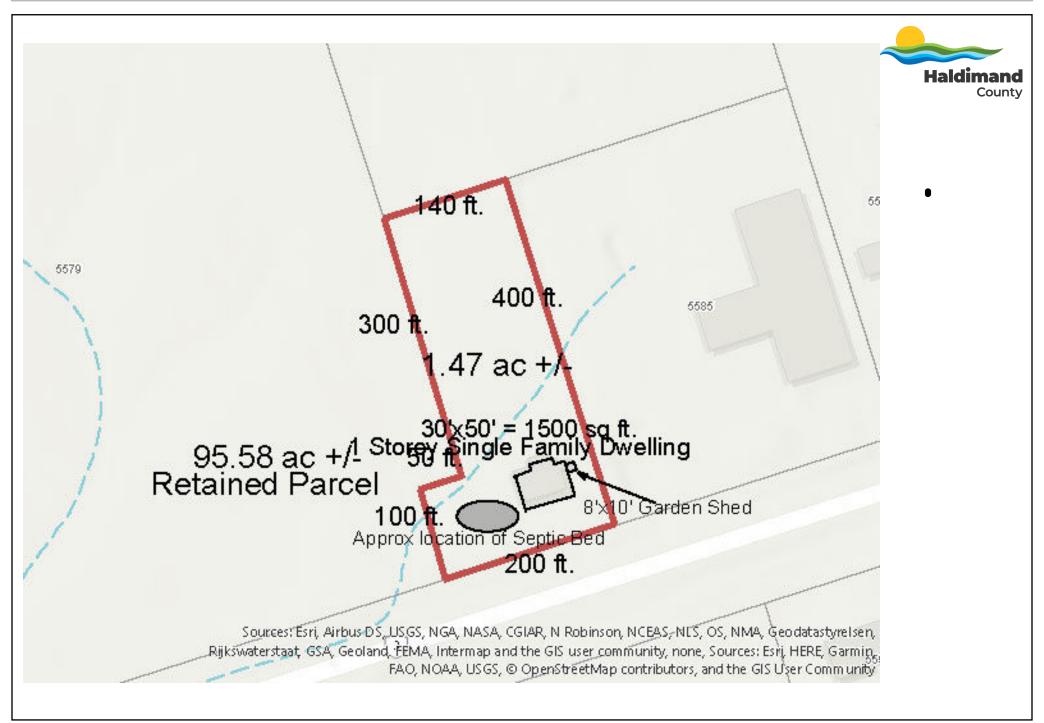
A (Agriculture)

HALDIMAND COUNTY, IT'S 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 1of2 FILE #PLB-2022-092 APPLICANT: 5003427 Ontario Inc.



# Owner's Sketch 2of2 FILE #PLB-2022-092 APPLICANT: 5003427 Ontario Inc.





# Haldimand County Committee of Adjustment Consent

Meeting Date: August 16, 2022

File Number: PLB-2022-099

**Property Roll Number:** 2810-332-004-13200

**Applicant**: AG Strobosser Farms Inc.

Agent: Maria Kinkel (MHN Lawyers LLP)

**Property Location:** Concession 9, Part Lot 15, Geographic Township of

Walpole, known municipally as 1148 Concession 9 Walpole

### Recommendation

That application PLB-2022-099 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

#### **Details of the Submission**

**Proposal:** This application was approved by the Committee of Adjustment at the April 19, 2021 meeting (PLB-2021-022), but the approval lapsed before the conditions were completed. The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will be approximately 60 metres (196.9 feet) by 115 metres (377.3 feet) and will contain an area of approximately 0.64 hectares (1.6 acres).

**Site Features and Land Use:** The property is located on the south side of Concession 9 Walpole. A single detached dwelling, farm buildings and an accessory structure are present on the subject lands.

**Existing Intensive Livestock Operations:** There are no livestock buildings on the subject lands. As such, there are no Minimum Distance Separation requirements or conflicts.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement: No comments as long as Septic Evaluation approves septic area on new property created.

Haldimand County Planning & Development – Development Technologist: No comments or concerns.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

**Long Point Region Conservation Authority (LPRCA):** LPRCA has no objection to the proposed application. The retained lands contain a tributary of Sandusk Creek. Prior to any development within the regulated area on the retained parcel, a permit from the LPRCA office is required.

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**

## Provincial Policy Statement, 2020 (PPS)

The PPS requires municipalities to protect prime agricultural areas for long-term use for agriculture. Notwithstanding this policy, the PPS permits lot creation in prime agricultural areas under very limited circumstances including the creation of a surplus farm dwelling lot. Surplus farm dwelling severances are permitted provided that the new lot is limited to the minimum size needed to accommodate the use and appropriate sewage and water works and the retained farmlands are rezoned to prohibit new residential dwellings on any remnant parcel of farmland. It is Planning staff's opinion that the proposal is consistent with the PPS.

#### A Place to Grow, 2020

A Place to Grow does not provide surplus farm dwelling criteria. As such, the proposal is consistent with A Place to Grow.

# **Haldimand County Official Plan (OP)**

The OP builds onto the PPS surplus farm dwelling policies, providing further details. The OP states that a severance maybe granted for a habitable farm dwelling of a minimum age of 10 years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new residential dwellings shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed in 1900.

In addition, the OP directs that the creation of surplus farm dwelling lot be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production. Consideration of varying the size of the parcel includes ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;
  - Planning Comment: The surplus farm dwelling lot is proposed to be 0.64 hectares (1.6 acres) in size. The proposed property has been laid out in such a way that the septic bed, a detached garage and the surplus dwelling are contained within the lot. It is the preference of the County that the property boundaries are drawn such that the shape of the lot represents a rectangle, rather than a more irregular shape. This is intended to reduce situations where farmland may be fragmented further. As such, the proposal exceed the maximum lot size for surplus farm dwelling severances. The proposal conforms to this criterion, and Staff request the addition of a condition pertaining to the completion of a Zoning By-law Amendment that will freeze development on the retained farm parcel.
- b) No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed per the *Ontario Building Code*;
  - **Planning Comment:** A septic evaluation will be required as a condition of consent to ensure the septic system is fully contained on the surplus farm dwelling lot, that it meets the required setbacks as per the OBC, and that it is functioning.
- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;

- **Planning Comment:** The proposed lot creation will not adversely affect the operation or viability of the farm.
- d) Severances that do not meet the Minimum Distance Separation (MDS) formulae, as amended shall not be permitted;
  - **Planning Comment:** No livestock were observed on the subject lands at the time of site inspection; as such, Minimum Distance Separation (MDS) does not apply to this proposal.
- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;
  - **Planning Comment:** The subject lands are not located within 300 metres of a licensed pit or 500 metres from a licensed quarry, and are well removed from waste disposal sites and other potential land use conflicts.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road; and
  - **Planning Comment:** The remnant farm parcel will have frontage on Concession 9 Walpole. The surplus farm dwelling lot will retain the existing driveway from Concession 9 Walpole to the dwelling. A new entrance will be required to service the retained farmlands.
- g) Potential impacts on natural environment areas and/ or cultural resources shall be assessed and addresses, where necessary.
  - **Planning Comment:** The application, as proposed, is not anticipated to have a negative impact on natural or cultural resources.

# Haldimand County Zoning By-law HC 1-2020

The surplus farm dwelling lot is zoned 'Agriculture (A)' Zone. The retained farm lands are zoned 'Agriculture (A)'. The surplus farm dwelling lot is greater than 0.6 hectares (1.5 acres) in size and as such, that retained farmlands will not be automatically rezoned to remove a dwelling as a permitted. With the addition of the condition to require a Zoning By-law Amendment (which has been submitted concurrently with this application) to prohibit residential development on the retained farmland, it is Planning staff's opinion that the proposal conforms to the Zoning By-law.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was not posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

The applicant has not satisfied the public consultation requirements as per the Provincial legislation.

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:

David Scott, MPLAN

Secretary-Treasurer, Committee of Adjustment

905-318-5932 ext. 6220

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. That a septic evaluation for severed parcel be completed and submitted to the Secretary-Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
- 4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
- 5. Receipt of final approval of the required zoning amendment to freeze development on retained lands (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
- 6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 74.7 metres (245 feet) and will contain an area of 0.49 hectares (1.209 acres) Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD 1983 UTM Zone 17N

Projection: Transverse\_Mercator False Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.00000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

 Linear Unit:
 Meter

Geographic Coordinate System:GCS\_North\_American\_1983

Datum: D\_North\_American\_1983

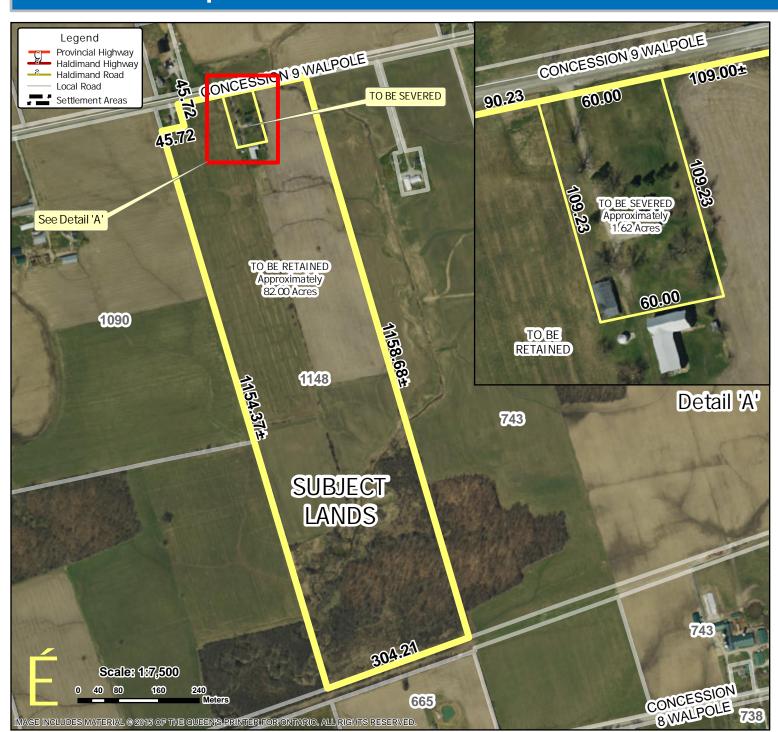
Prime Meridian: Greenwich Angular Unit: Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 16, 2024, after which time this consent will lapse.

File No. PLB-2022-099 AG STROBOSSER FARMS INC.

Assessment Roll Number: 2810-332-004-13200

# Location Map FILE #PLB-2022-099 APPLICANT: AG Strobosser Farms Inc.





#### Location:

1148 CONCESSION 9 WALPOLE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

#### Legal Description:

WALPOLE CON 9 PT LOT 15 NORTH OF RP 18R5429 PARTS 3 TO 5

Property Assessment Number:

2810 332 004 13200 0000

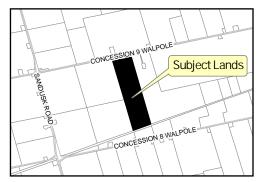
#### Size:

83.62 Acres

#### Zoning:

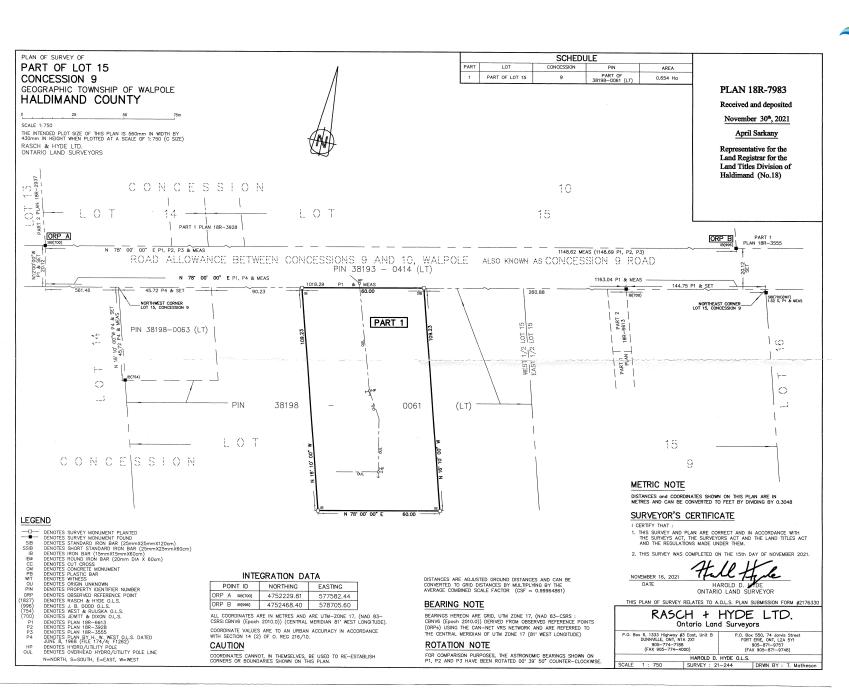
#### A (Agricultural) & HL (Hazard Land) Overlay

HALDIMAND COUNTY, IT'S 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 IN





# Owner's Sketch FILE #PLB-2022-099 APPLICANT: AG Strobosser Farms Inc.





# Haldimand County Committee of Adjustment Consent

Meeting Date: August 16, 2022

File Number: PLB-2022-103

**Property Roll Number:** 2810-332-002-74600

**Applicant**: Leroy Bartlett and Cheryl Buck

**Property Location:** Concession 2, Part Lot 15, Geographic Township of

Walpole, known municipally as 702 Concession 2 Walpole

#### Recommendation

That application PLB-2022-103 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

### **Details of the Submission**

**Proposal:** The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 74.7 metres (245 feet) and will contain an area of 0.49 hectares (1.209 acres). The retained parcel will contain an area of approximately 121.4 hectares (300 acres).

**Site Features and Land Use:** The subject lands are located in the geographic township of Walpole and front onto the south side of Concession 2 Walpole. The proposed severed lot contains a residential dwelling and related accessory structure. The proposed retained lot contains two buildings used for agricultural storage.

**Existing Intensive Livestock Operations:** Not applicable.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement: No comments received.

**Haldimand County Planning & Development – Development Technologist:** A hydro easement may be required if the retained and severed parcels share hydro services.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Long Point Region Conservation Authority: No comments received.

**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**

# **Provincial Policy Statement, 2020 (PPS)**

The subject property is located within a prime agricultural area of the County and is subject to policies under 2.3.4 of the PPS. Section 2.3.4 discourages lot creation in prime agricultural areas and indicates that it may only be permitted in specific instances. The PPS permits lot creation for a residence surplus to a farm operation provided it is limited to a minimum size to accommodate appropriate sewage and water services and that future residential development on the retained lands is restricted.

The proposed lot is able to accommodate the existing dwelling and appropriate servicing. The application limits the area of land removed from agricultural production. It is the opinion of Planning staff that the subject application is consistent with the PPS.

### A Place to Grow, 2020

A Place to Grow does not provide surplus farm dwelling criteria. As such, the proposal is consistent with A Place to Grow.

### Haldimand County Official Plan (OP)

The OP builds onto the PPS surplus farm dwelling severance policies, providing further details. The OP states that a severance may be granted for a habitable dwelling of a minimum age of 10 years, calculated from the date of occupancy, of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or

more habitable dwellings and where each farm is located within the County. No new residential development shall be permitted on the retained lands.

The applicants have demonstrated conformity with the above policies. In addition, the OP directs that the creation of the of a surplus farm dwelling lot be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production. Consideration of varying the size of the parcel includes ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;
  - **Planning Comment:** The subject application is seeking to create a lot with an area of approximately 0.49 hectares(1.21 acres). The proposed area will limit the amount of land removed from production and ensures that the existing farm storage buildings remain with the farm.
- No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed per the *Ontario Building* Code;
  - **Planning Comment:** The existing dwelling on the property is currently serviced by an on-site sanitary sewage system. As a condition of consent a septic evaluation will be required to ensure the current system is in working order and sized appropriately for the use.
- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;
  - **Planning Comment:** The subject application will not adversely affect the operation or viability of the farm. Given the proximity to the dwelling to be severed, the farm storage buildings are not to be used for the housing of livestock in the future.
- d) Severances that do not meet the Minimum Distance Separation (MDS) formulae, as amended shall not be permitted;
  - **Planning Comment:** The proposed lot creation will comply with the MDS formulae. While the farm storage buildings on the retained lands have a history of housing livestock, there is no MDS setback for storage buildings. The existing storage structures would not conform to required MDS setback should they be converted back to livestock barns.

- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;
  - **Planning Comment:** The subject lands are not located within 300 metres of a licensed pit or 500 metres from a licensed quarry, and are well removed from waste disposal sites and other potential land use conflicts.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road; and
  - **Planning Comment:** The subject lands front onto Concession 2 Walpole and have an existing safe and appropriate access.
- g) Potential impacts on natural environment areas and/ or cultural resources shall be assessed and addresses, where necessary.
  - **Planning Comment:** The application, as proposed, is not anticipated to have a negative impact on natural or cultural resources.

It is the opinion of Planning staff that the subject application conforms to the policies of the Official Plan.

# Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agricultural (A)" in the Zoning By-law. The proposal complies with the minimum required area (1,855 square metres) and frontage (30 metres) for the A zone.

It is the opinion of Planning staff that the subject application complies with the Zoning By-law.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 19, 2022.

The applicant has not satisfied the public consultation requirements as per the Provincial legislation.

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 Steef

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

# Reviewed by:

\_\_\_\_

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

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 74.7 metres (245 feet) and will contain an area of 0.49 hectares (1.209 acres) Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N

Projection: Transverse\_Mercator False\_Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.0000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System:GCS North American 1983

Datum: D\_North\_American\_1983

Prime Meridian: Greenwich Angular Unit: Degree

4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 16, 2024, after which time this consent will lapse.

File No. PLB-2022-103

BARTLETT, Leroy and BUCK, Cheryl

Assessment Roll Number: 2810-332-002-74600

# Location Map FILE #PLB-2022-103 APPLICANT: Bartlett & Buck





Location:

702 CONCESSION 2 WALPOLE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WAL CON 2 PT LOT 15

Property Assessment Number:

2810 332 002 74600 0000

Size:

100.00 Acres

Zoning:

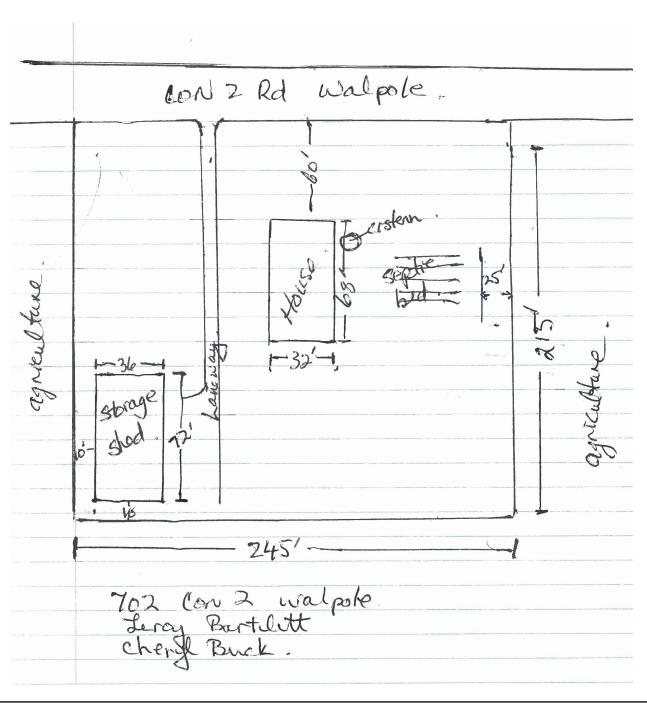
A (Agriculture), LPRCA Regulated Lands, Haldimand County OP - Riverine Hazard Lands

HALDIMAND COUNTY, IT'S 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 IN





# Owner's Sketch FILE #PLB-2022-103 APPLICANT: Bartlett & Buck







# Haldimand County Committee of Adjustment Consent

Meeting Date: August 16, 2022

File Number: PLB-2022-076

**Property Roll Number:** 2810-151-001-29700

**Applicant**: Bravaya Inc.

Agent: Ryan Ferrari (A.J. Clarke & Associates Ltd.)

**Property Location:** Part Lot 1 North of Caithness Street, Urban Area of

Caledonia, known municipally as 29-31 Inverness Street

#### Recommendation

That application PLB-2022-076 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

#### **Details of the Submission**

**Proposal:** The applicant proposes to sever a lot to create separate lots for the semi-detached dwellings under construction on the property. The severed lands will have a frontage of approximately 17.34 metres (57 feet) and contain an area of approximately 366.4 square metres (3943.9 square feet). The retained parcel will have a frontage of approximately 17.19 metres (56.4 feet) and contain an area of approximately 376.58 square metres (4053.5 square feet).

**Site Features and Land Use:** The subject lands are located in the urban area of Caledonia and front onto Inverness Street. The lands currently contain multiple residential dwelling units in a single structure. The existing structure is proposed to be removed to facilitate the redevelopment of the property. The surrounding land uses are primarily residential in nature. The Grand River and associated park land is location to the south.

**Existing Intensive Livestock Operations:** Not applicable.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement: Lots maybe too small and require variance to approve and also parking requirements may need to be reviewed. This will require a review once new lot grading and setbacks are added to a survey plan of the proposed sites. Extra water and sewer additions will require approvals from those departments.

**Haldimand County Planning & Development – Development Technologist:** A full lot grading plan is required for both the severed and retained parcels. An entrance permit is required for both the severed and retained parcel if the entrance locations and/or widths are revised.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

**Grand River Conservation Authority:** No objections.

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**

# **Provincial Policy Statement, 2020 (PPS)**

The Provincial Policy Statement (PPS) states that settlement areas, such as Caledonia, shall be the focus of growth and development and their development and vitality and regeneration shall be promoted. The subject application represents infill development within a delineated settlement boundary, adjacent to already built up lots. The PPS generally promotes development of this nature.

Section 1.1.3.2 (c) states:

Land use patterns within settlement areas shall be based on densities and a mix of land uses which: are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

Municipal water and sanitary services currently exist on Inverness Street and the proposed units will be required to connect. Further, the lot is located in close proximity to public parks and outdoor space along the Grand River.

It is the opinion of Planning staff that the subject application is consistent with the PPS.

### A Place to Grow, 2020

A Place to Grow policies generally echo those of the PPS; as such, it is Planning staff's opinion that the subject application is consistent with A Place to Grow.

# **Haldimand County Official Plan (OP)**

The subject lands are designated residential in the Haldimand County Official Plan and are within the existing built boundary of Caledonia. The subject application is seeking to create a new residential building lot to accommodate the development of a semi-detached dwelling. Section 5H.2 outlines the general criteria for consent applications. This section has four polices that need to be met:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained:
  - **Comment:** The severed and retained lot will require relief from the zoning bylaw for lot area, required rear yard, and parking requirements. A related minor variance application has been submitted to address the created deficiencies. As a condition of consent, the related application needs to be approved.
- b) The creation of new lots for development shall only be granted in accordance with relevant servicing policies contained in this Plan;
   Comment: The proposed severed and retained lot will be connected to full municipal services.
- c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential loots should, where possible, have access only from collector or local roads; and

**Comment:** The proposed severed and retained lands front onto Inverness Street.

d) Not more than five lots are being created.Comment: Only one lot is being created.

It is the opinion of Planning staff that the subject application conforms to the Official Plan.

## Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Urban Residential Type 2 (R-2)". The subject application will result in a deficient lot size for the proposed use, as well as reduced rear yard setback and reduced parking. A concurrent minor variance application has been submitted seeking relief of the proposed deficiencies. The required relief is outlined in the table below.

Development Standards	Required	Proposed	Deficiency
Lot Area	255 square metres (0.06 acres)	183 square metres (0.045 acres)	72 square metres (0.015 acres)
Rear Yard	7.5 metres (24.6 feet)	4.4 metres (14.4 feet)	3.1 metres (10.2 feet)
Parking (Part 1)	2 parking spaces	1 parking space	1 parking space

Relief from the zoning by-law is required to permit the created deficiencies.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on August 3, 2022.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

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 Steef

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

# Reviewed by:

\_\_\_\_\_

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

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 17.34 metres (57 feet) and contain an area of approximately 366.4 square metres (3943.9 square feet). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N

Projection: Transverse\_Mercator False Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.00000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System:GCS North American 1983

Datum: D\_North\_American\_1983

Prime Meridian: Greenwich Angular Unit: Degree

4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 16, 2024, after which time this consent will lapse.

File No. PLB-2022-076 BRAVAYA INC.

Assessment Roll Number: 2810-151-001-29700



# Haldimand County Committee of Adjustment Minor Variance

Meeting Date: August 16, 2022

File Number: PLA-2022-077

**Property Roll Number:** 2810-151-001-29700

**Applicant**: Bravaya Inc.

Agent: Ryan Ferrari (A.J. Clarke & Associates Ltd.)

**Property Location:** Part Lot 1 North of Caithness Street, Urban Area of

Caledonia, known municipally as 29-31 Inverness Street

#### Recommendation

That application PLA-2022-077 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 Residential Zone 2 (R2) Zone of Haldimand County Zoning By-law HC 1-2020 as follows:

Development	Required	Proposed	Deficiency
Standards			
Lot Area	255 square metres	183 square metres	72 square metres
	(0.06 acres)	(0.045 acres)	(0.015 acres)
Rear Yard	7.5 metres (24.6	4.4 metres (14.4	3.1 metres (10.2
	feet)	feet)	feet)
Parking (Part 1)	2 parking spaces	1 parking space	1 parking space

The relief is requested to recognize the deficiencies of the property as a result of the concurrent consent application (PLB-2022-076).

**Site Features and Land Use:** The subject lands are located in the urban area of Caledonia and front onto Inverness Street. The lands currently contain multiple residential units in a single structure. The existing structure is proposed to be removed to facilitate the redevelopment of the property. The surrounding land uses are primarily residential in nature. The Grand River and associated parkland is located to the south.

Existing Intensive Livestock Operations: Not applicable.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: Lots maybe too small and require variance to approve and also parking requirements may need to be reviewed. This will require a review once new lot grading and setbacks are added to a survey plan of the proposed sites. Extra water and sewer additions will require approvals from those departments.

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

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

**Grand River Conservation Authority:** No objections.

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 Residential and located within the built boundary of Caledonia. The subject application has been submitted concurrently with a consent application to facilitate the development semi-detached dwellings. Residential dwellings, including semi-detached dwellings, are permitted in the Residential designation.

It is the opinion of Planning staff 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 "Urban Residential Type 2 (R2)" in the Zoning By-law. The R2 zone permits semi-detached dwellings. The subject application is seeking relief to permit the construction of 4 dwelling units as semi-detached dwellings. The development requires relief form the minimum required lot area, rear yard setback and number of parking spaces.

The zoning by-law requires 244 square metres of area for each semi-detached dwelling. The subject application is seeking 72 square metres of relief to permit a minimum lot size of 183 square metres. The intent of a minimum lot size requirement is to ensure the lot is of sufficient size for development, to accommodate a suitable building envelope and outdoor amenity space. As part of the application materials the applicant has demonstrated sufficient space to develop the site with additional requested variances, notably a reduction to the rear yard requirement.

Relief is also requested to permit a minimum required rear yard of 4.4 metres where 7.5 metres is required. The intent of a minimum rear yard requirement is to ensure separation between structures on adjacent properties and to ensure adequate outdoor amenity space. The proposed setback will provide sufficient separation between the proposed structures and adjacent properties. Further, while the lots will have reduced onsite outdoor amenity space, ample public outdoor amenity space exists in the immediate area.

The subject application is also seeking to permit 1 parking space for the two units proposed for the severed parcel. The zoning by-law requires that each unit have 2 parking spaces. The units of the proposed retained lot will have one drive way spot, and one garage post for each unit. The units on the severed parcel will only have a drive way spot. The intent of a parking requirement is to ensure parking is available. One off street parking space will be available for the unit.

It is the opinion of Planning staff 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**: The subject application will facilitate lot creation and the creation of four new residential dwelling units in the urban area of Caledonia. The subject lands are located in close proximity to public amenities and within walking distance to the downtown area. The proposed semi-detached dwellings

will increase housing choice within the community. Further, by offering units with a single parking space the units are more suitable to residents who only have one vehicle and encourage other modes of transportation.

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

# 4. Is the application minor?

**Planning staff comment**: The subject application is seeking relief to facilitate residential development and is required as a condition of consent. The proposed configuration is able to accommodate a suitable building envelope with outdoor amenity space in an area with public outdoor spaces.

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 August 3, 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

Neil Steep

Senior Planner

905-318-5932 ext. 6202

# Reviewed by:

\_\_\_\_

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

# Location Map FILE #PLB-2022-076 & PLA-2022-077 APPLICANT: Bravaya Inc.





#### Location:

29 - 31 INVERNESS STREET URBAN AREA OF CALEDONIA WARD 3

#### Legal Description:

**CAL PT LOT 1 N CAITHNESS ST** 

Property Assessment Number:

2810 151 001 29700 0000

#### Size:

0.18 Acres

#### Zoning:

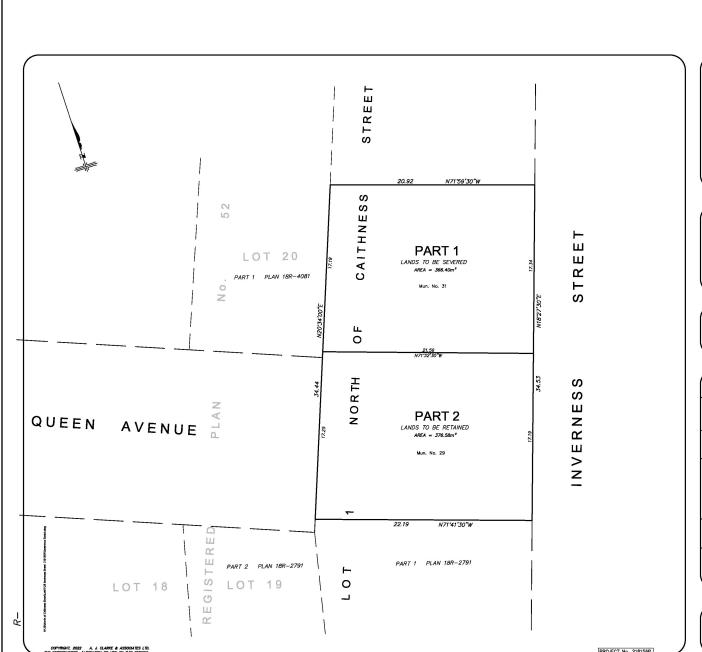
R2 (Urban Residential Type 2)

HALDIMAND COUNTY, IT'S 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 #PLB-2022-076 APPLICANT: Bravaya Inc.





SKETCH FOR CONSENT TO SEVER 29 & 31 INVERNESS STREET **TOWN OF CALEDONIA** 

THE ABOVE NOTED LANDS ARE PART OF LOT 1 NORTH OF CAITHNESS STREET COUNTY OF HAI DIMAND

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (PROPOSED SEVERANCE) PART 2 (LANDS TO BE RETAINED)

AREA= 376.58m<sup>4</sup>

AREA= 366.40m2

THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.



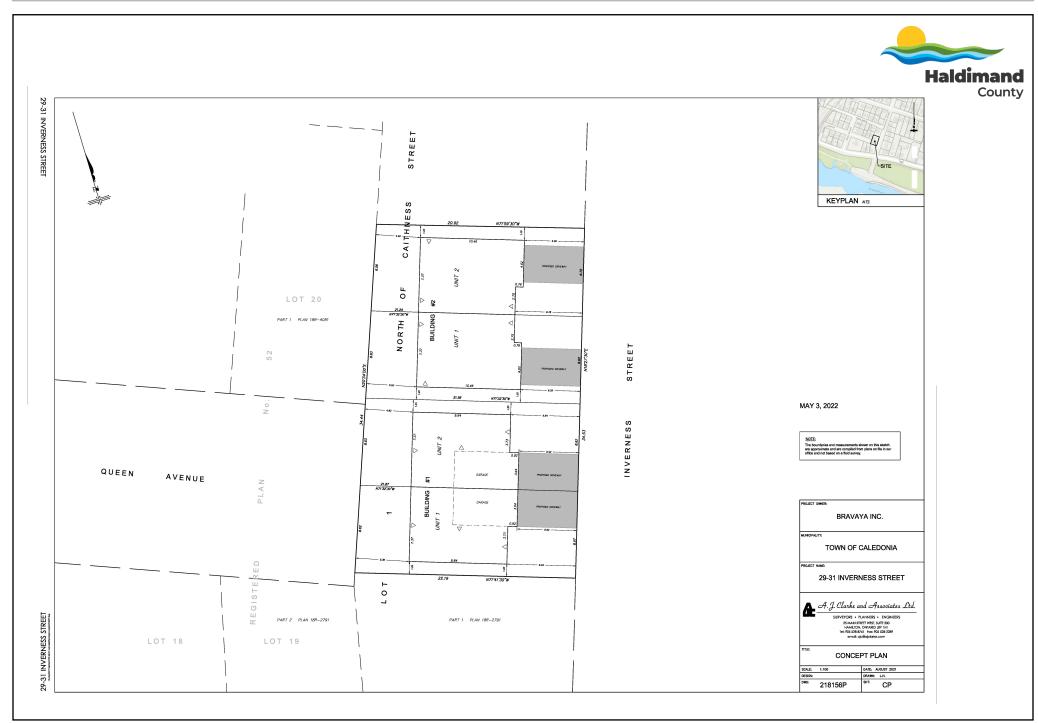
A. J. Clarke and Associates Ltd.

SURVEYORS · PLANNERS · ENGINEERS

email: a jc@a jclarke.com

H: \18\North of Calthness Street\Lot01\29 inverness Street 218156P\Severance Sketch.dw

# Owner's Sketch FILE #PLA-2022-077 APPLICANT: Bravaya Inc.





# Haldimand County Committee of Adjustment Consent

Meeting Date: August 16, 2022

File Number: PLB-2022-097

**Property Roll Number:** 2810-024-006-23100

**Applicant**: 2831507 Ontario Ltd.

**Property Location:** Plan 6876, Lot 18 to 19, Urban Area of Dunnville, known

municipally as 1008 Pine Street

#### Recommendation

That application PLB-2022-097 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

#### **Details of the Submission**

**Proposal:** The applicant proposes to sever a lot for future residential development. The severed lands will have a frontage of approximately 23.7 metres (77.8 feet) and contain an area of approximately 0.08 hectares (0.2 acres). The retained parcel will contain an area of approximately 0.05 hectares (0.12 acres).

**Site Features and Land Use:** The subject lands are located in the urban area of Dunnville and front onto Pine Street. The subject lands currently contain a dwelling and related accessory structure. The surrounding land uses are primarily residential in nature with pedestrian linkages to a nearby school and park.

**Existing Intensive Livestock Operations:** Not applicable.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement: No comments received.

**Haldimand County Planning & Development – Development Technologist:** A full lot grading plan required. A municipal drainage re-apportionment agreement required. An entrance permit is required for the retained parcel.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

**Grand River Conservation Authority:** No objections.

**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**

## **Provincial Policy Statement, 2020 (PPS)**

The Provincial Policy Statement (PPS) states that settlement areas, such as Caledonia, shall be the focus of growth and development and their development and vitality and regeneration shall be promoted. The subject application represents infill development within a delineated settlement boundary, adjacent to already built up lots. The PPS generally promotes development of this nature.

### Section 1.1.3.2 (c) states:

Land use patterns within settlement areas shall be based on densities and a mix of land uses which: are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

Municipal water and sanitary services currently exist on Pine Street and the proposed development will be required to connect. Further, the lot is located in close proximity to a public park with existing active transportation infrastructure.

It is the opinion of Planning staff that the subject application is consistent with the PPS.

#### A Place to Grow, 2020

A Place to Grow policies generally echo those of the PPS; as such, it is Planning staff's opinion that the subject application is consistent with A Place to Grow.

### Haldimand County Official Plan (OP)

The subject lands are designated residential in the Haldimand County Official Plan and are within the existing built boundary of Dunnville. The subject application is seeking to create a new residential building lot to accommodate the development of a single detached dwelling. Section 5H.2 outlines the general criteria for consent applications. This section has four polices that need to be met:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained:
  - **Comment:** The severed and retained lot will require relief from the Zoning Bylaw for reduction to the required lot frontage, area and side yard. A related minor variance application has been submitted to address the created deficiencies. As a condition of consent, the related application need also be approved.
- The creation of new lots for development shall only be granted in accordance with relevant servicing policies contained in this Plan;
  - **Comment:** The proposed severed and retained lot will be connected to full municipal services.
- c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential loots should, where possible, have access only from collector or local roads; and
  - **Comment:** The proposed severed and retained lands front onto Pine Street, an existing public road that is of reasonable construction and access will not create a traffic hazard.
- d) Not more than five lots are being created.

Comment: Only one lot is being created.

It is the opinion of Planning staff that the subject application conforms to the Official Plan

## Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Urban Residential Type 1-A (R1-A)". The subject application will result in deficiencies for the severed and retained parcels. The required relief is outlined in the table below.

Development	Required	Proposed	Deficiency
Standards			
Lot Area	450 square metres	373 square metres	77 square metres
(Severed Lot)	(0.11 acres)	(0.09 acres)	(0.02 acres)
Lot Frontage	15 metres	10.29 metres	4.71 metres
(Severed Lot)	(49.2 feet)	(33.8 feet)	(15.4 feet)
Lot Frontage	15 metres	13.49 metres	1.51 metres
(Retained Lot)	(49.2 feet)	(44.3 feet)	(4.9 feet)
Interior Side Yard	3 metres	1.78 metres	1.22 metres
(right) (Retained Lot)	(9.84 feet)	(5.84 feet)	(4 feet)
Parking Spaces	2 (1 within required	2 (2 within required	1 within required
(Retained Lot)	front yard)	front yard)	front yard

Relief from the Zoning By-law is required to permit the created deficiencies as a condition of consent.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 19, 2022.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

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 Steef

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

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate reapportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.
- 3. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
- 4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
- 5. That all accessory buildings located on the severed lands be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
- 6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 7. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 23.7 metres (77.8 feet) and contain an area of approximately 0.0835 hectares (0.2 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and

<u>astewart@haldimandcounty.on.ca</u>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N

Projection: Transverse\_Mercator False\_Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.00000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System: GCS North American 1983

Datum: D\_North American 1983

Prime Meridian: Greenwich Angular Unit: Degree

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 16, 2024, after which time this consent will lapse.

File No. PLB-2022-097 2831507 ONTARIO LTD.

Assessment Roll Number: 2810-024-006-23100



# Haldimand County Committee of Adjustment Minor Variance

Meeting Date: August 16, 2022

File Number: PLA-2022-098

**Property Roll Number:** 2810-024-006-23100

**Applicant**: 2831507 Ontario Ltd.

**Property Location:** Plan 6876, Lot 18 to 19, Urban Area of Dunnville, known

municipally as 1008 Pine Street

#### Recommendation

That application PLA-2022-098 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 Residential Zone 1-A (R1-A) Zone of Haldimand County Zoning By-law HC 1-2020 as follows:

Development	Required	Proposed	Deficiency
Standards			
Lot Area	450 square metres	373 square metres	77 square metres
(Severed Lot)	(0.11 acres)	(0.09 acres)	(0.02 acres)
Lot Frontage	15 metres	10.29 metres	4.71 metres
(Severed Lot)	(49.2 feet)	(33.8 feet)	(15.4 feet)
Lot Frontage	15 metres	13.49 metres	1.51 metres
(Retained Lot)	(49.2 feet)	(44.3 feet)	(4.9 feet)
Interior Side Yard	3 metres	1.78 metres	1.22 metres
(right) (Retained	(9.84 feet)	(5.84 feet)	(4 feet)
Lot)			
Parking Spaces	2 (1 within required	2 (2 within required	1 within required
(Retained Lot)	front yard)	front yard)	front yard

The relief is requested to recognize the deficiencies of the property as a result of the concurrent consent application (PLB-2022-097).

**Site Features and Land Use:** The subject lands are located in the urban area of Dunnville and front onto Pine Street. The subject lands currently contain a dwelling and related accessory structure. The surrounding land uses are primarily residential in nature with pedestrian linkages to a nearby school and park.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: No comments received.

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

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Grand River Conservation Authority: No objections.

**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 Residential and located within the built boundary of Dunnville. The subject application has been submitted concurrently with a consent application to facilitate the development of a single detached dwelling as infill. The Official Plan supports infill development and single detached dwellings are permitted in the Residential designation.

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 "Urban Residential Type 1-A (R1-A) in the Zoning By-law. The R1-A zone permits single detached dwellings and related accessory structures. The subject application is seeking relief for the proposed severed and retained lots.

The subject application is seeking relief form the lot area and lot frontage provisions for the proposed severed lot. The application is seeking 77 square metres of relief to permit an area of 373 square metres, where 450 square metres is the required minimum lot area for the R1-A zone. Further, 4.71 metres of relief is requested to permit a frontage of 10.29 metres, where 15 metres is required. The requirement for a minimum lot area and frontage provision is to ensure sufficient area for development of the lot, and room for safe access and servicing of the lot. The proposed lot is intended to accommodate a single detached dwelling. The proposed lot dimensions are sufficient to accommodate the development of a single detached dwelling and exceed the minimum requirements of the "Urban Residential Type 1-C (R1-C)" zone seen elsewhere in the County for single detached dwellings. The proposed lot area, and frontage are of sufficient size to accommodate a single detached dwelling, safe entrance and servicing of the property.

The proposed retained lot requires relief for the proposed frontage, interior side yard and to permit 2 parking spaces in the required front yard. The application is seeking 1.51 metres of relief to permit a required lot frontage of 13.49 metres where 15 metres is required. The required frontage provision is intended to ensure adequate space for access and servicing of the lot. The retained lot is currently connected to full municipal services and the proposed frontage is sufficient to accommodate the proposed new access. The retained lot also requires relief to permit an interior side yard setback of 1.22 metres where 3 metres is required. This relief is required between the existing dwelling and the current north east property line. The existing setback will not be reduced. The intent of a required side yard setback is to ensure separation between structures on adjacent lots, and to provide access to the rear yard. The proposed interior side yard on the opposite lot line is 2.44 metres, and will provide access to the rear yard.

The retained lot requires relief to permit a second parking space in the required front yard. The zoning by-law requires two parking spaces for a dwelling, and that only one of those spaces be located in the required front yard. The intent of this provision is to ensure open landscape space remains along the street. The proposed driveway is a single width driveway and can accommodate two parking spaces. Further, much of the front yard will remain as open space.

It is the opinion of Planning staff 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 subject application will facilitate infill lot creation and the construction of single detached dwelling in keeping with the character of the neighbourhood. It is the opinion of Planning staff that the subject application is desirable and appropriate development of the lands.

4. Is the application minor?

Planning staff comment: The subject application is seeking relief to reduce the lot area and frontage for the proposed severed lot. The applicant has provided a proposed building envelope for the retained lot that is able to comply with required setback. Further the proposed lot dimensions exceed the minimum requirements for other single detached dwelling zones within the County. The same is true for the requested frontage on the proposed retained lot. The application is also seeking relief form the required interior side yard on the retained lot. This relief will accommodate the existing setback between the dwelling and north east property line, no change is expected in this setback as a result of the application. The final relief will permit 2 parking spaces in the required front yard. The proposed driveway configuration is able to accommodate the required parking spaces, however the second parking space will partially project into the front yard.

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 July 19, 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

Neil Steef

Senior Planner

905-318-5932 ext. 6202

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

# Location Map FILE #PLB-2022-097 & PLA-2022-098 APPLICANT: 2831507 Ontario Ltd.





#### Location:

1008 PINE STREET URBAN AREA OF DUNNVILLE WARD 6

Legal Description:

**PLAN 6876 LOT 18 TO 19** 

Property Assessment Number:

2810 024 006 23100 0000

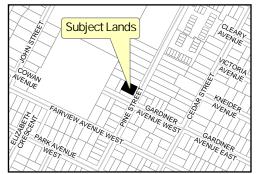
Size:

0.21 Acres

Zoning:

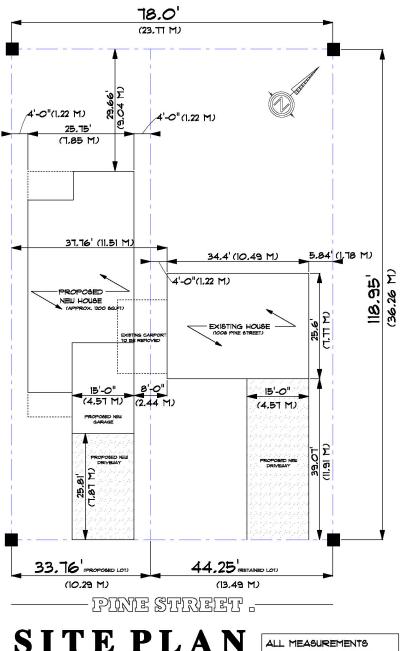
R1-A (Urban Residential Type 1-A)

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# Owner's Sketch FILE #PLB-2022-097 & PLA-2022-098 APPLICANT: 2831507 Ontario Ltd.





**SITE PLAN** SCALE: 1/4" = 1'0"

ALL MEASUREMENTS
ARE +/- AND AS PER
RASCH & CHAMBERS LTD



# Haldimand County Committee of Adjustment Minor Variance

Meeting Date: August 16, 2022

File Number: PLA-2022-093

**Property Roll Number:** 2810-151-005-15000

**Applicant**: Michelle Rae

Agent: Steve Reid

**Property Location:** Part Lot 9 East of Selkirk, Urban Area of Caledonia, known

municipally as 49 Fife Street West

#### Recommendation

That application PLA-2022-093 be approved. The application meets the four tests of a minor variance. Approval is subject to the following conditions:

1. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

## **Details of the Submission**

**Proposal:** Relief is requested from the provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By law HC-1 2020 as follows:

Development Standards	Required	Proposed	Deficiency
Rear Yard	7.5 metres	1.3 metres	6.2 metres
	(24.6 feet)	(4.27 feet)	(20.33 feet)

The relief is requested to permit the construction of an accessory building on the subject property.

**Site Features and Land Use:** The subject lands are located at the corner of Fife Street and Selkirk Street in the urban area of Caledonia. The subject lands currently contain a dwelling and are accessed from Selkirk Street. The surrounding land uses are residential in nature.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: Garden Suite name of project suggests a 2nd Suite proposed. Floor plan not seen but should not be separate from primary dwelling but an addition to the primary with doorway between.

Haldimand County Planning & Development Services – Development & Design Technologist: A full lot grading plan is required.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

**Grand River Conservation Authority:** No objections.

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 'Residential' in the Haldimand County Official Plan. The Residential designation permits dwellings and related accessory structures. The subject application will facilitate the construction of an addition to the existing dwelling on the subject lands.

It is the opinion of Planning staff that the subject application maintains 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 "Urban Residential Type 1-A (R1-A)". The R1-A zone permits single detached dwellings. The subject application is seeking 6.2 metres of relief to permit a rear yard setback of 1.3 metres where 7.5 metres is required. The intent of a required rear yard setback is to ensure separation between structures and ensure adequate outdoor amenity space. The subject lands are a corner lot, with the front lot line along Fife Street, and the rear yard opposite. As a corner lot the rear yard functions similarly to an interior side yard, and abuts the interior side yard of the adjacent lot. The requested rear yard of 1.3 metres exceeds the required interior side yard of 1.2 metres. The proposed setback will provide sufficient space between structures on neighbouring lots.

Further, as the lot is a corner lot, the required side yard along Selkirk Street is an exterior side yard, with a larger required setback than an interior side yard. The increased yard requirement will ensure sufficient outdoor amenity space.

It is the opinion of Planning staff 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**: The subject application will facilitate the construction of an addition on a corner lot in a residential area of Caledonia. The proposed addition will not disrupt the nature of the neighbourhood while increasing the size of the dwelling on the lot. The lot will continue to be used for residential purposes and is not anticipated to negatively impact neighbouring lots.

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

4. Is the application minor?

**Planning staff comment**: The subject application is seeking relief from the required rear yard setback to facilitate the construction of an addition on the subject lands. The proposed rear yard setback is similar to the required interior side yard setback in the R1-A zone. As the lot is a corner lot, the rear yard

functions similarly to a rear yard and abuts the interior side yard on the neighbouring lot.

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 not posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

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

Neil Steef

Senior Planner

905-318-5932 ext. 6202

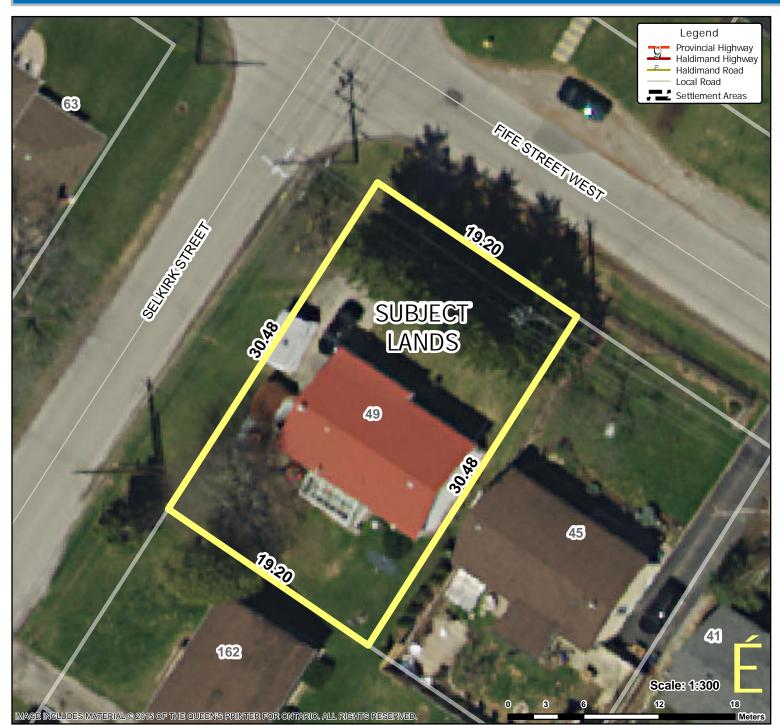
Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

# Location Map FILE #PLA-2022-093 APPLICANT: Rae





#### Location:

49 FIFE STREET WEST URBAN AREA OF CALEDONIA WARD 3

#### Legal Description:

**CAL PT LOT 9 E SELKIRK** 

Property Assessment Number:

2810 151 005 15000 0000

#### Size:

0.14 Acres

#### Zoning:

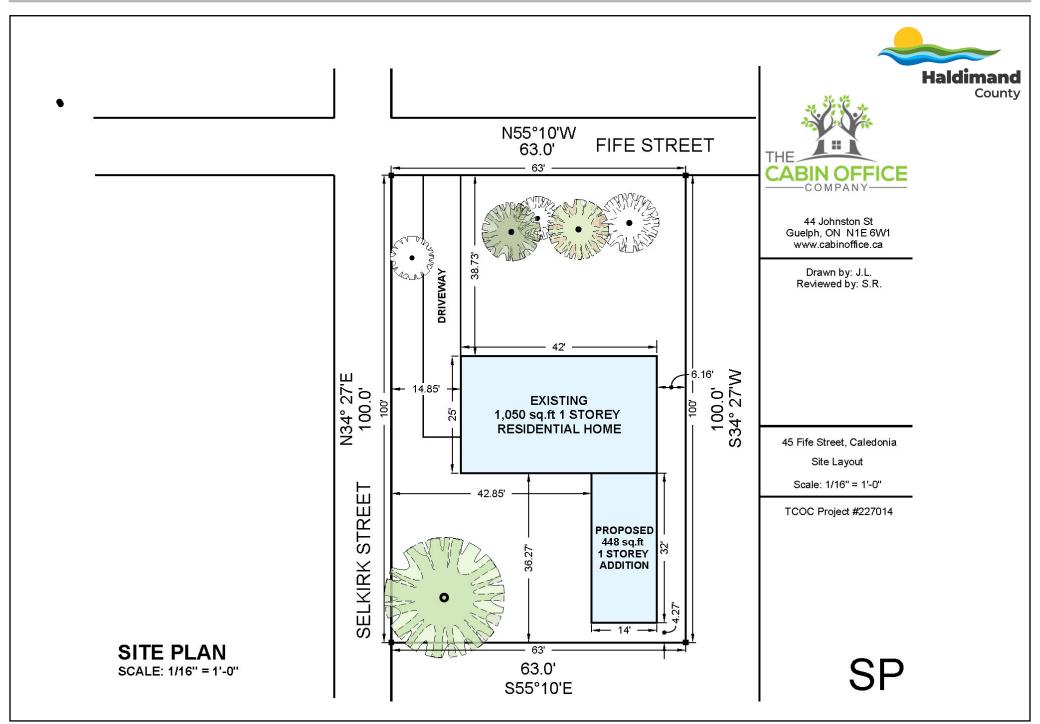
R1-A (Urban Residential Type 1-A)

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# Owner's Sketch FILE #PLA-2022-093 APPLICANT: Rae





# Haldimand County Committee of Adjustment Minor Variance

Meeting Date: August 16, 2022

File Number: PLA-2022-102

**Property Roll Number:** 2810-022-003-07912

**Applicant**: Jaap and Corinna Zwaan

Agent: Trent Lof (Lofcore Ltd.)

**Property Location:** Concession 2, Part Lot 10, Registered Plan 18R7919 Part 1,

Geographic Township of Canborough, known municipally as

252 Melick Road

#### Recommendation

That application PLA-2022-102 be approved/refused/deferred. The application meets the four tests of a minor variance. Approval is subject to the following conditions:

1. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

### **Details of the Submission**

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

Development Standards	Required	Proposed	Deficiency
Accessory Building Height	6.5 metres	7.4 metres	0.9 metres
	(21.3 feet)	(24.3 feet)	(3 feet)

The relief is requested to permit the construction of an accessory building on the subject property.

**Site Features and Land Use:** The subject property is a former rail line fronting on Melick Road in the former township of Canborough. The lands currently contain a dwelling and several trees lining the side lot lines. The surrounding land uses are primarily agricultural in nature.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services – Development & Design Technologist: A full lot grading plan is required.

Haldimand County Emergency Services: No comments received.

**Haldimand County Forestry:** No concerns with the proposed application.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

**Six Nations:** Six Nations are opposed to an accessory building being constructed on this well-treed property. If relief is granted, Six Nations would like the proponent to commit to a 10-1 tree replanting ratio.

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. The Agricultural designation permits residential dwellings and related accessory structures. The subject application will facilitate the construction of a detached garage, accessory to an existing dwelling on the property.

It is the opinion of Planning staff that the subject application conforms to the Official Plan.

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

**Planning staff comment**: The subject application is seeking relief to permit an accessory building with a height of 7.4 metres, where 6.5 metres is permitted. The intent of limiting the height of accessory structures is to ensure they remain accessory to the primary residential use and to limit potential impact on neighbouring lots. The proposed accessory structure will comply with all required setbacks and does not exceed the maximum permitted area of 200 square metres. The proposed structure will remain accessory to the primary residential use. Further, the structure is not anticipated to negatively impact neighbouring lots and is well screened by existing mature vegetation.

It is the opinion of Planning staff 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**: The subject application will facilitate the construction of an accessory building on the subject lands. The proposed structure is intended for personal storage and will remain accessory to the existing residential use. Further the requested relief from the maximum height is not anticipated to negatively impact any neighboring lots.

It is the opinion of Planning staff that the subject application is appropriate and desirable for the lands in question.

4. Is the application minor?

**Planning staff comment**: The subject application is seeking 0.9 metres of relief to permit a maximum height of 7.4 metres, where 6.5 metres is permitted for an accessory building. The proposed building is intended for personal use and will remain accessory to the existing residential use on the property. Further, the existing vegetation on the property will screen the structure from neighbouring lots.

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 June 29, 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 Steef

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

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

# Location Map FILE #PLA-2022-102 APPLICANT: Zwaan





#### Location:

252 MELICK ROAD GEOGRAPHIC TOWNSHIP OF CANBOROUGH WARD 6

Legal Description:

CANBOROUGH CON 2 PT LOT 10 RP 18R7919 PART 1

Property Assessment Number:

2810 022 003 07912 0000

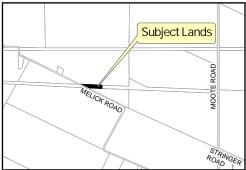
Size:

1.24 Acres

Zoning:

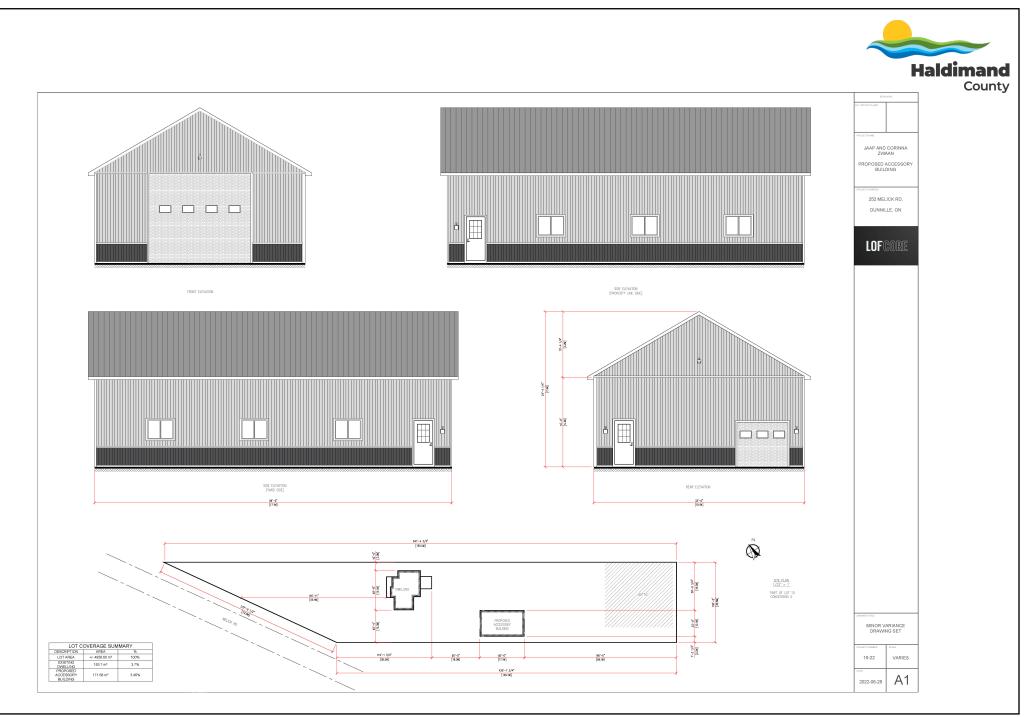
A (Agricultural)

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# Owner's Sketch FILE #PLA-2022-102 APPLICANT: Zwaan





# Haldimand County Committee of Adjustment Minor Variance

Meeting Date: August 16, 2022

File Number: PLA-2022-104

**Property Roll Number:** 2810-332-002-43700

**Applicant**: Curt Bond

Agent: Martin Harrison

**Property Location:** Plan 21074 Part of Block H, Geographic Township of

Walpole, no civic address

#### Recommendation

That application PLA-2022-104 be approved. The application meets the four tests of a minor variance. Approval is subject to the following conditions:

- 1. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied.
  - Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
- 2. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

#### **Details of the Submission**

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

Development Standards	Required	Proposed	Deficiency
Exterior Side Yard	7 metres	3.29 metres	3.71 metres
	(23 feet)	(10.8 feet)	(12.2 feet)

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

**Site Features and Land Use:** The subject lands are located within the Lakeshore Node of Peacock Point on the north-east corner of Witherspoon Drive and Marylin Drive. The subject lands are currently vacant with a drainage ditch crossing the length of the property along the centre of the property. The surrounding land uses are primarily seasonal residential in nature. The proposed structure is intended on the property.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services – Development & Design Technologist: A full lot grading plan is required. An entrance permit is required for the subject property.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Long Point Region Conservation Authority: No concerns or comments.

**Hydro One:** No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

**Six Nations:** Six Nations is concerned about Haldimand County's regular loss of tree canopy and wildlife habitat. Trees are particularly important when in close proximity to waterbodies, as this property is to Lake Erie. Six Nations therefore oppose the relief being sought for this tree-rich property, which would facilitate tree removal and allow a house to be built on an under-sized lot.

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 dwellings and related accessory structures are permitted in the 'Resort Residential' designation.

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 zoning on the subject lands permit a dwelling and related accessory structures. The subject application is seeking 3.71 metres (12.2 feet) of relief to permit an exterior side yard of 3.29 metres (10.8 feet). The intent of the relief is to permit the construction of a dwelling on the property. No other deficiencies will result from the proposed development. Similar setbacks are present on other properties in the neighbourhood.

The subject application conforms to 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**: The subject application will facilitate the placement of a new dwelling on the property. The new dwelling will maintain or meet all of the required setbacks required, save for the relief being requested. The relief will have the subject property in line with similar properties in the neighbourhood.

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

4. Is the application minor?

**Planning staff comment**: The proposed dwelling will be of a similar size and use of dwellings elsewhere in the immediate neighbourhood. The relief being

requested is in line with properties surrounding the subject property, and will allow for the property to be utilized for a residential purpose.

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 July 29, 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:

David Scott, MPLAN

Secretary-Treasurer, Committee of Adjustment

905-318-5932 ext. 6220

Quel death

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

# Location Map FILE #PLA-2022-104 APPLICANT: Bond





#### Location:

0 WANDA DRIVE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

#### Legal Description:

WAL PLAN 21074 PTBLK H PLUS R O W

Property Assessment Number:

2810 332 002 43700 0000

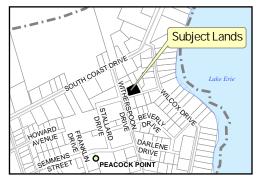
#### Size:

0.23 Acres

#### Zoning:

#### **RL (Lakeshore Residential)**

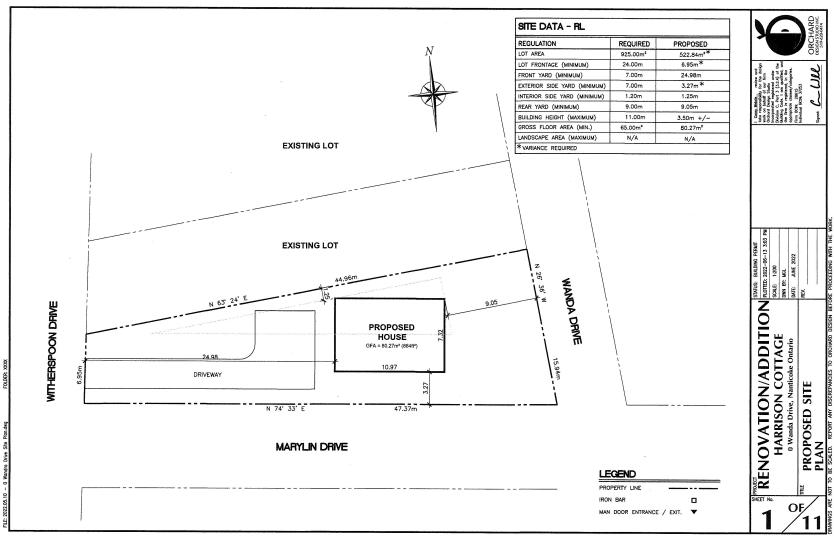
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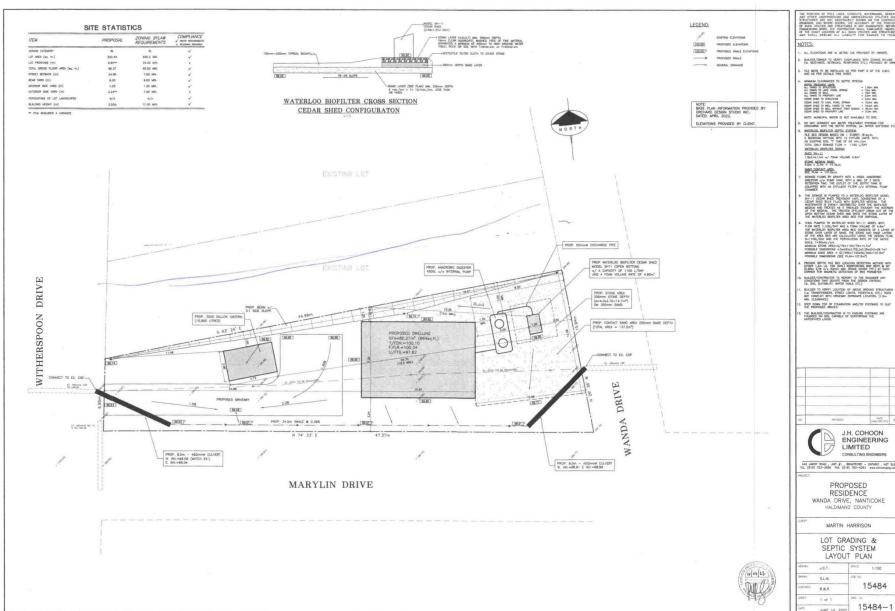
# Owner's Sketch 1of2 FILE #PLA-2022-104 APPLICANT: Bond





# Owner's Sketch 1of2 FILE #PLA-2022-104 APPLICANT: Bond







# Haldimand County Committee of Adjustment Consent

Meeting Date: August 16, 2022

File Number: PLB-2022-008

**Property Roll Number:** 2810-332-002-58000

**Applicant**: Robert James Groves

Agent: Kim Hessels

**Property Location:** Concession 1, Part Lot 16, Geographic Township of

Walpole, known municipally as 203 Brooklin Road

#### Recommendation

That application PLB-2022-008 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 202 and A Place to Grow, 2020 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

#### **Details of the Submission**

**Proposal:** This application was deferred at the April 12, 2022, and has subsequently been revised. The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.12 hectares (0.30 acres). The retained parcel will have an approximate area of 19.1 hectares (47.2 acres). The property is to address an encroachment issue with the existing driveway and to improve drainage on the benefiting lands.

**Site Features and Land Use:** The subject lands are located on the west side of Brooklin Road in the geographic township of Walpole. The subject lands currently contain a single detached dwelling. The surrounding land uses are agricultural in nature.

**Existing Intensive Livestock Operations:** Not applicable.

# **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services - Development

**Technologist:** No comments or concerns.

Haldimand County Emergency Services: No comments received.

Long Point Region Conservation Authority: No comments received.

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**

# Provincial Policy Statement, 2020 (PPS)

The subject lands are located within the prime agricultural area of the County. Section 2.3 of the PPS outlines that policies that apply to prime agricultural areas. Section 2.3.1 states that "Prime agricultural areas shall be protected for long-term use for agriculture." The subject application will not result in the removal of lands from active agricultural production.

Boundary adjustments are subject to policies under 2.3.4 of the PPS. Section 2.3.4.2 permits adjustments for legal or technical reasons. The PPS defines legal or technical reasons as, "severances for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot." The subject application will not result in a new lot and can be considered a minor boundary adjustment.

The applicant is requesting a boundary adjustment as the existing driveway, propane tank and hydro service encroaches on the neighbouring property. The application as proposed would add approximately 4 metres of frontage and 0.12 hectares of area to the benefitting lands. It is the opinion of Planning staff that the proposed boundary adjustment is consistent with the PPS.

#### A Place to Grow, 2020

A Place to Grow builds on the policies of the PPS and speaks to the long-term protection of agricultural areas and strengthening the agricultural system. The subject application has been amended to ensure no lands are being removed from active agricultural production. The proposed boundary adjustment will not result in new lot creation and will remedy existing encroachments.

It is the opinion of Planning staff the subject application is consistent with A Place to Grow.

### **Haldimand County Official Plan (OP)**

The subject lands are designated 'Agriculture' in the OP. The OP permits severances for legal or technical reasons including minor boundary adjustments. The subject application will result in approximately 0.12 hectares of land being adjusted from a farm parcel to a rural residential lot. This boundary adjustment will address the existing encroachment of a driveway, propane tank and hydro service.

It is the opinion of Planning staff that the subject application is a minor boundary adjustment of a legal or technical nature.

## Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural (A)' zone. Both of the resulting lots will comply with the required area and frontage provisions of the Zoning By-law.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 6, 2022.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

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 Steef

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

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by Robert James Groves and further identified as Roll No. 2810-332-002-58000, if required.
- 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 3. That the severed parcels become part and parcel of the abutting lands presently owned by Robert James Groves and further identified as Roll # 2810-332-002-58000.
- 4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
- 5. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.12 hectares (0.30 acres). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N

Projection: Transverse\_Mercator False\_Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.0000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System: GCS\_North\_American\_1983

Datum: D\_North\_American\_1983

Prime Meridian: Greenwich Angular Unit: Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 16, 2024, after which time this consent will lapse.

FILE NO.: PLB-2022-008 GROVES, Robert James

Assessment Roll Number: 2810-332-002-58000

# **Location Map FILE #PLB-2022-008 APPLICANT: Groves**





#### Location:

289 BROOKLIN ROAD GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

**WAL CON 1 PT LOT 16 RP 18R7119 PART 1** 

Property Assessment Number:

2810 332 002 58100 0000

Size:

47.5 Acres

Zoning:

A (Agriculture) & HL (Hazard Land) Overlay

HALDIMAND COUNTY, IT'S 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 IN





# Owner's Sketch FILE #PLB-2022-008 APPLICANT: Groves





July 26, 2022

## **MEMORANDUM**

File No.: PLB-2021-148

TO: Committee of Adjustment

FROM: Neil Stoop, Senior Planner

SUBJECT: Change of condition for an approved consent

LOCATION: 333 Brooklin Road

Committee of Adjustment Chair and Members,

The applicants for PLB-2021-148 have requested a change of condition. The applicants wish to amend condition 9 requiring the receipt of the registered reference plan, to reflect a new configuration for the boundary adjustment.

The subject application was first heard by Committee in November of 2021 when it was deferred. The application was conditionally approved on December 21, 2021. Attached to this memo is the staff report, including conditions, from December 21, 2021. The proposed configuration does not change the nature of the planning analysis previously presented by Planning staff.

Also attached is the a sketch demonstrating the proposed lot configuration. The new sketch has been circulated to neighbours within 60 metres of the subject lands, and an updated public notice sign was posted on the lands.

Should the Committee approve the change of condition, a registered reference plan matching the proposed configuration will satisfy condition 9, and all other conditions will remain unchanged. Should the Committee not approve the change, all existing conditions will unchanged and receipt of a registered reference plan matching the originally approved configuration is required.

Regards,

Neil Stoop, MSc., RPP

Neil Steef

Senior Planner

Planning & Development Division



# Haldimand County Committee of Adjustment Consent

Meeting Date: December 21, 2021

File Number: PLB-2021-148

**Property Roll Number:** 2810-332-002-71700

**Applicant**: William Jacob Cronk

Agent: Michael Sullivan (LandPro Planning Solutions)

**Property Location:** Concession 1, Part Lot 16, Geographic Township of

Walpole, known municipally as 333 Brooklin Road

#### Recommendation

That application PLB-2021-148 be refused. The application is not consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and does not conform to the intent of the Haldimand County Official Plan.

#### **Details of the Submission**

**Proposal:** The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 2.79 hectares (6.89 acres). The property is to provide additional space and to provide access for the benefitting lands.

The subject application has been deferred by the Committee of Adjustment on two previous occasions. The first at the September 21, 2021 meeting to allow the applicant an opportunity to amend the severance sketch and propose and altered configuration. The applicant amended the sketch and the revised application was presented at the November 15, 2021 meeting. During the meeting it was revealed that an updated sign had not been posted on the property and the application was subsequently deferred a second time.

**Site Features and Land Use:** The subject lands are located in the geographic township of Walpole within the prime agricultural area of the County. The subject lands are approximately 46.25 acres in size fronting onto to Brooklin Road. The subject lands contain a dwelling and related accessory structures. The Sandusk Creek and related hazard lands are also located on the property.

The benefitting lands in the subject application are approximately 0.77 hectares (1.9 acres) in size with frontage on Brooklin Road. The benefitting lands are currently vacant with the driveway for the adjacent farm land on the property. The property is also impacted by the hazard lands associated with Sandusk Creek.

Existing Intensive Livestock Operations: Not applicable.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:** No comments or concerns.

Haldimand County Planning & Development Services – Development & Design Technologist: Entrance permit required for the severed parcel, if one has not yet been issued.

**Haldimand County Emergency Services:** No issues.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

**Long Point Region Conservation Authority:** A permit must be obtained prior to any development within the Regulation Limit.

Hydro One: No concerns.

**Municipal Property Assessment Corporation:** No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

**Public:** A letter was received (prior to the first submission) from Brian and Rebecca VanBenthem expressing concern or access and traffic, should the consent be granted.

# **Planning Analysis**

#### **Provincial Policy Statement, 2020 (PPS)**

The PPS is intended to be read in its entirety and all relevant polices applied to each situation. All planning decisions are to be consistent with the policies of the PPS.

The subject lands are located within a prime agricultural area of the County. Section 2.3 of the PPS outlines the policies that apply to prime agricultural area. Section 2.3.1

states that "Prime agricultural areas shall be protected for long term use for agriculture." The subject application will result in farmland being removed from active production.

Boundary adjustments are subject to the policies under 2.3.4 of the PPS. Section 2.3.4.2 permits lot adjustments for legal or technical reasons. The PPS defines legal or technical reasons as, "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot." The subject application will not result in a new lot being created, however, it does not represent a minor application, or an easement, correction of deed or quit claim.

It is the opinion of Planning staff that the subject application is not consistent with the PPS.

#### A Place to Grow, 2020

A Place to Grow builds on the policies of the PPS and speaks to the long-term protection of agricultural areas and the strengthening of the agricultural system. The subject application does not strengthen the agricultural system or serve for long term protection of agriculture.

It is Planning staff's opinion the subject application does not conform to a place to grow.

## **Haldimand County Official Plan (OP)**

The subject lands and the benefiting lands are designated 'Agriculture' in the Haldimand County Official Plan. The OP permits severances for legal or technical reasons, including minor boundary adjustments so long as the viability and functionality of the farm is not impacted long term. The subject application will result in approximately 2.79 hectares (6.89 acres) of land that is currently part of a farm being boundary adjusted to a small vacant property for rural residential use. The lands to be adjusted are made up of a creek and related hazard lands as well as lands in active agricultural production.

It is the opinion of Planning staff that the subject application does not conform to the Official Plan.

#### Haldimand County Zoning By-law HC 1-2020

The subject lands and the benefitting lands are zoned 'Agriculture (A)' zone. Both of the resulting lots will comply with the required frontage and area provisions of the Zoning By-law.

# Notice Sign, Public Consultation, and Applicant Discussion

A new public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on November 16, 2021.

The applicant has satisfied the public consultation requirements as per the County Policy.

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

Neil Staff

Planner

905-318-5932 extension 6202

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Development Services

905-318-5932 ext. 6208

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, and a fee of \$308.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by William Jacob Cronk. and further identified as Roll # 2810-332-002-71850, if required.
- 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 3. That the severed parcels become part and parcel of the abutting lands presently owned by William Jacob Cronk and further identified as Roll # 2810-332-002-71850.
- 4. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
- 5. That an application for a new civic address be submitted for the benefiting lands. Contact the Planning & Development Division at 905-318-5932, ext. 6212 for details.
- 6. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
- 7. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
- 8. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the

County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.

9. Receipt of a copy of the registered reference plan of the severed parcel, approximately 2.79 hectares (6.89 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD 1983 UTM Zone 17N

Projection: Transverse\_Mercator False Easting: 500000.00000000

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 Central\_Meridian:
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 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System:GCS\_North\_American\_1983

Datum: D\_North\_American\_1983

Prime Meridian: Greenwich Angular Unit: Degree

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 21, 2022, after which time this consent will lapse.

File No. PLB-2021-148
CRONK, William Jacob
Assessment Roll No. 2810-332-002-71700

# Location Map FILE #PLB-2021-148 APPLICANT: Cronk





#### Location:

333 BROOKLIN ROAD GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

**WAL CON 1 PT LOT 16** 

Property Assessment Number:

2810 332 002 71700 0000

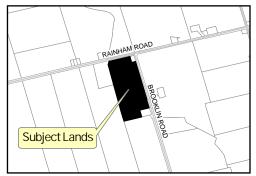
Size:

46.25 Acres

Zoning:

A (Agriculture), LPRCA Regulated Lands, HCOP Riverine Hazard Lands, MNR Unevaluated Wetland

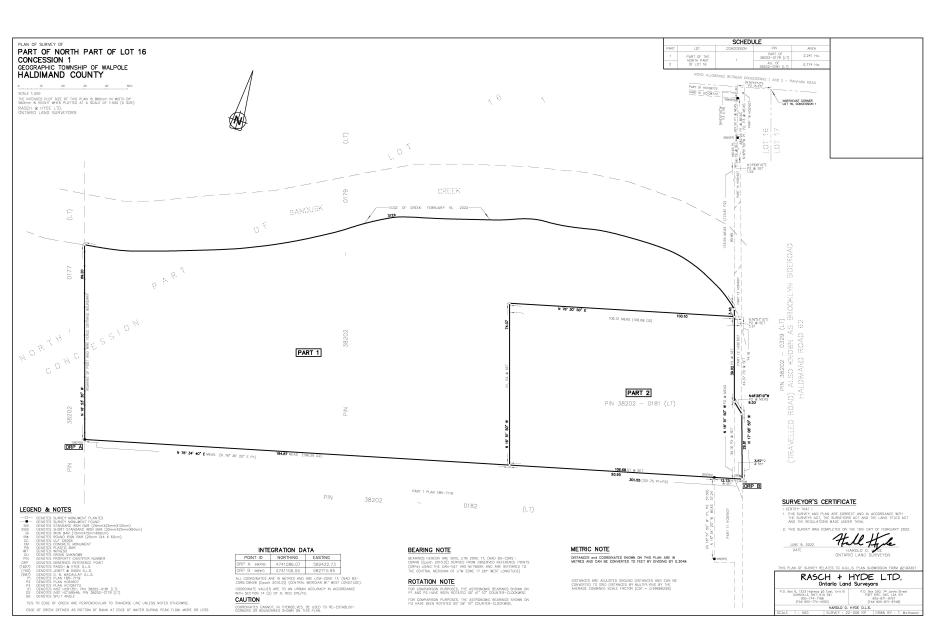
HALDIMAND COUNTY, IT'S EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.





# Owner's Sketch FILE #PLB-2021-148 APPLICANT: Cronk







August 4, 2022

## **MEMORANDUM**

File No.: PLB-2022-049

TO: Committee of Adjustment

FROM: Neil Stoop, Senior Planner

SUBJECT: Change of condition for an approved consent

LOCATION: 320 Hutchinson Road, Geographic Township of Moulton

Committee of Adjustment Chair and Members,

The applicants for PLB-2022-049 have requested a change of condition. The applicants wish to amend condition 4 requiring the receipt of the registered reference plan of the severed parcel, to reflect a new configuration.

The subject application was first heard by Committee May 9, 2022 where the application was approved in line with the recommendation from staff. Since conditional approval, the applicants have had their lands surveyed, uncovering discrepancies that ultimately impact the configuration of the proposed severed lot. Attached to this memo is the staff report, including conditions, from May 9, 2022. The proposed configuration does not change the nature of the planning analysis previously presented by Planning staff.

Also attached is the a sketch demonstrating the proposed lot configuration. The new sketch has been circulated to neighbours within 60 metres of the subject lands, and an updated public notice sign was posted on the lands.

Should the Committee approve the change of condition a registered reference plan matching the proposed configuration will satisfy condition 4, and all other conditions will remain unchanged. Should the Committee not approve the change, all existing conditions will remain and receipt of a registered reference plan matching the originally approved configuration is required.

Regards,

Neil Stoop, MSc., RPP

Neil Steef

Senior Planner

Planning & Development Division



# Haldimand County Committee of Adjustment Consent

Meeting Date: May 9, 2022

File Number: PLB-2022-049

**Property Roll Number:** 2810-023-003-03900

**Applicant**: Mayr Farms Ltd.

Agent: Kim Hessels

**Property Location:** Plan 67 East of the Boulton Ditch Road, Part Lot 1,

Geographic Township of Moulton, known municipally as 320

**Hutchinson Road** 

#### Recommendation

That application PLB-2021-049 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

#### **Details of the Submission**

**Proposal:** The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 79 metres (259.2 feet) and will contain an area of 0.49 hectares (1.21 acres). The retained parcel will contain an area of approximately 17.9 hectares (44.2 acres).

**Site Features and Land Use:** The subject lands are located on the east side of Hutchinson Road and the south side of Feeder Canal Road in the former geographic township of Moulton. The subject lands are approximately 22.2 hectares (55 acres) in size and contain a dwelling and related accessory structures. The lands are largely under active agricultural production with a small treed area in the rear. The surrounding land uses are primarily agricultural in nature.

If approved, the severed lands will be approximately 0.59 hectares (1.47 acres) in size with 79 metres of frontage. The severed lands will contain the existing structures on the property. The retained lands will account for the remaining 21.6 hectares (53.5 acres).

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development – Development Technologist: No comments or concerns.

Haldimand County Emergency Services: No issues.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Niagara Peninsula Conservation Authority: No comments received.

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**

#### Provincial Policy Statement, 2020 (PPS)

The subject property is located within a prime agricultural area of the County and is subject to policies under 2.3.4 of the PPS. Section 2.3.4 discourages lot creation in prime agricultural areas and indicates that it may only be permitted in specific instances. The PPS permits lot creation for a residence surplus to a farm operation provided it is limited to a minimum size to accommodate appropriate sewage and water services and that future residential development on the retained lands is restricted.

The proposed lot is able to accommodate the existing dwelling and appropriate servicing. The application limits the area of land removed from agricultural production. It is the opinion of Planning staff that the subject application is consistent with the PPS.

#### A Place to Grow, 2020

A Place to Grow does not provide surplus farm dwelling criteria. As such, the proposal is consistent with A Place to Grow.

#### **Haldimand County Official Plan (OP)**

The OP builds onto the PPS surplus farm dwelling severance policies, providing further details. The OP states that a severance may be granted for a habitable dwelling of a minimum age of 10 years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new residential development shall be permitted on the retained lands.

The applicants have demonstrated conformity with the above policies. In addition, the OP directs that the creation of the of a surplus farm dwelling lot be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production. Consideration of varying the size of the parcel includes ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;
  - **Planning Comment:** The subject application is seeking to create a lot with an area of 0.59 hectares. The proposed lot is sufficient size for the proposed use and will not remove any land from active production.
- No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed per the *Ontario Building* Code;
  - **Planning Comment:** The existing dwelling on the lot is serviced by an on-site sanitary sewage system. As a condition of consent a septic evaluation will be required to ensure the current system is in working order and sized appropriately for the use.
- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;
  - **Planning Comment:** The subject application will not adversely affect the operation or viability of the farm.

- d) Severances that do not meet the Minimum Distance Separation (MDS) formulae, as amended shall not be permitted;
  - **Planning Comment:** The proposed lot creation will comply with the MDS formulae.
- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;
  - **Planning Comment:** The subject lands are not located within 300 metres of a licensed pit or 500 metres from a licensed quarry, and are well removed from waste disposal sites and other potential land use conflicts.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road; and
  - **Planning Comment:** The subject lands front onto Hutchinson Road and have an existing safe and appropriate access.
- g) Potential impacts on natural environment areas and/ or cultural resources shall be assessed and addresses, where necessary.
  - **Planning Comment:** The application, as proposed, is not anticipated to have a negative impact on natural or cultural resources.

It is the opinion of Planning staff that the subject application conforms to the policies of the Official Plan.

### Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural (A)' in the Zoning By-law. The proposal complies with the minimum lot area and frontage provisions of the Zoning By-law. The Zoning By-law requires a minimum lot area of 1,855 square metres (0.45 acres) and a frontage of 30 metres.

It is the opinion of Planning staff that the subject application complies with the Zoning By-law.

# Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on April 28, 2022.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

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

Neil Steef

Senior Planner

905-318-5932 ext. 6202

Reviewed by:

Alisha Cull, BES, MCIP, RPP

Supervisor, Planning & Development

905-318-5932 ext. 6208

#### IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$313.00 for deed stamping.
- 2. That a septic evaluation for severed parcel be completed and submitted to the Secretary-Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
- 3. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.49 hectares (1.21 acres). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <a href="mailto:dscott@haldimandcounty.on.ca">dscott@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N

Projection: Transverse\_Mercator False\_Easting: 500000.00000000

 False\_Northing:
 0.00000000

 Central\_Meridian:
 -81.00000000

 Scale\_Factor:
 0.99960000

 Latitude\_Of\_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System: GCS North American 1983

Datum: D North American 1983

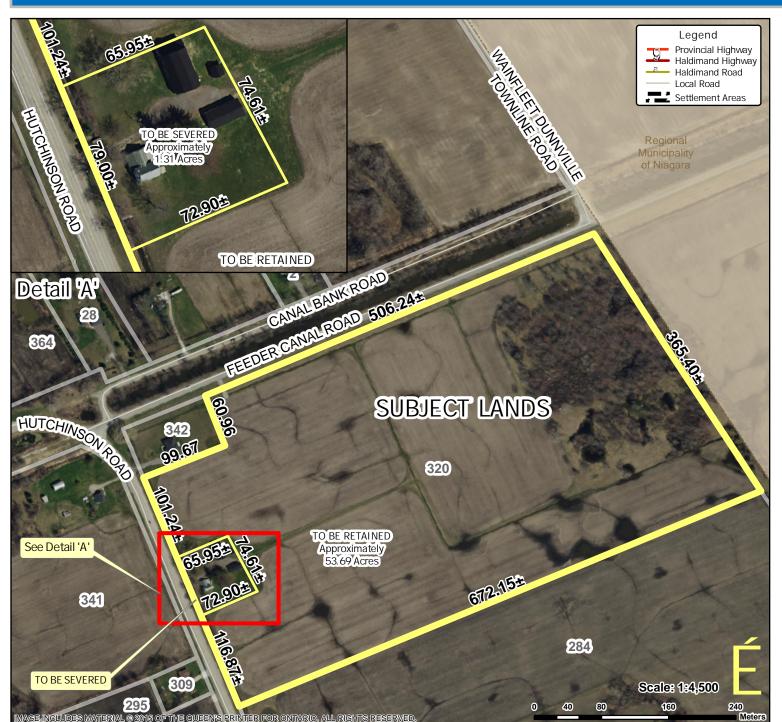
Prime Meridian: Greenwich Angular Unit: Degree

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 9, 2024, after which time this consent will lapse.

FILE NO.: PLB-2022-049 MAYR FARMS LTD.

Assessment Roll Number: 2810-023-003-03900

# **Location Map FILE #PLB-2022-049 APPLICANT: Mayr Farms Ltd**





#### Location:

320 HUTCHINSON ROAD GEOGRAPHIC TOWNSHIP OF MOULTON WARD 5

Legal Description:

MLT PLAN 67 EBDR PT LOT 1

Property Assessment Number:

2810 023 003 03900 0000

Size:

55 Acres

Zoning:

A (Agriculture) & HL (Hazard Land) Overlay

HALDIMAND COUNTY, IT'S 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 IN





# Owner's Sketch FILE #PLB-2022-049 APPLICANT: Mayr Farms Ltd



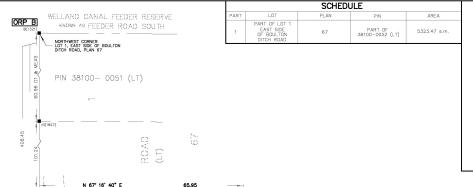


HALDIMAND COUNTY

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 430mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500 (C SIZE)

RASCH & HYDE LTD. ONTARIO LAND SURVEYORS





THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM #2193359

## RASCH + HYDE LTD.

P.O. Box 550, 74 Jarvis Street FORT ERIE, ONT, L2A 5Y1 905-871-9757 (FAX 905-871-9748)

DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0.99978061)

#### INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A 518(697)	4750183.51	625497.28
ORP B (1321)	4750560.16	625339.55

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17, (NAD 83-CSRS:CBNV6 (Epoch 2010.0)) (CENTRAL MERIDIAN 81\* WEST LONGITUDE). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE

#### CAUTION

