



Haldimand County Committee of Adjustment Consent

Meeting Date: January 24, 2023

File Number: PLB-2022-016

Property Roll Number: 2810-025-001-22310

Applicant: Jagroop Gulacha

Agent: Katie Pandey (Weston Consulting)

Property Location: Concession 1, Part Lot 8, Registered Plan 18R7917 Part 1, Geographic Township of Sherbrook, known municipally as 1 Mohawk Line

Recommendation

That application PLB-2022-016 be deferred to allow the applicant an opportunity to satisfy the concerns of the Grand River Conservation Authority (GRCA). 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 lot for future residential development. The severed lands will have a frontage of approximately 79.7 metres (261.5 feet) and contain an area of approximately 0.15 hectares (0.37 acres). The retained parcel will contain an area of approximately 0.37 hectares (0.92 acres).

Site Features and Land Use: The subject lands are located in the Niece Road Lakeshore Node with frontage of Warnick Road. In addition to access from Warnick Road, the travelled portion of Mohawk Line, a private road, also passes through the lands. The proposed severed lot is located at the intersection of Warnick Road and Mohawk Line with direct access to Lake Erie. The surrounding lands are primarily resort residential in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Require Confirmation that Class 4 Septic System can be constructed with a cottage dwelling.

Haldimand County Planning & Development – Development Technologist: Full Lot Grading Plan required prior to finalization of consent. Direct runoff to watercourse assurances (in lieu of grading plan). Municipal Drain drainage re-apportionment agreement required.

Haldimand County Emergency Services: No concerns with the severance, but will want to be consulted when applying for building permits.

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

Grand River Conservation Authority: The Grand River Conservation Authority (GRCA) recommends deferral to allow the applicant time to determine whether a building envelope outside the Lake Erie Hazards is possible.

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 states that settlement areas, such as Resort Residential Nodes, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states that development directed to rural settlement areas should give consideration for the rural character, scale of development and service levels. The proposed lot is located in boundary of the Niece Road node boundary. The subject application will facilitate the development of an additional residence within the node and represents infill within the existing settlement boundary.

The PPS requires that development generally be directed outside Lake related hazard areas. Per the review and comment from the GRCA, it has not been demonstrated that

an appropriate development envelope exists on the proposed severed lands outside of the mapped Lake Erie hazard lands.

It is Planning staff's opinion that additional information is required to ensure the subject application conforms to the PPS.

A Place to Grow, 2020

A Place to Grow directs limited development to existing settlement areas in the rural area with a defined boundary, such as the Niece Road node. However, A Place to Grow also directs development away from hazardous lands, including hazard lands associated with Lake Erie. The subject application is proposing the creation of a new lot in the Niece Road node. Additional information is required to confirm that a suitable development envelope exists outside of the identified hazard lands.

It is Planning staff's opinion that additional information is required to ensure the subject application complies with A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designated Resort Residential, with a portion identified as Lakeshore Hazard Lands. The OP supports limited development and infilling within the Resort Residential nodes. The subject application is proposing the creation of a new infill residential lot in the Niece Road node. The proposed lot will have frontage on a public road and sufficient area to accommodate private servicing. Section 6.G.2 of the Official Plan requires that areas of potential archaeological significance be identified prior to development, including lot creation occurring. A stage 1 and 2 archaeological assessment was completed on the property. The assessment was entered into the provincial register and no further works or investigations were recommended.

As noted above the subject lands are impacted by the Lakeshore Hazard Lands overlay. Section 2 C.2 outlines permitted uses within the Lakeshore Hazard Lands, including limited residential infill in designated nodes, provided the requirements of the Conservation Authority or other approval agency are met. At this time it has not been demonstrated that the requirements of the GRCA can be met.

It is the opinion of Planning staff that additional information is required to ensure the subject application conforms to the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Lakeshore Residential (RL)' in the Zoning By-law. The RL zone requires a minimum lot area of 925 square metres and minimum frontage of 7.5 metres. The proposed retained and severed lots will maintain the minimum required

provisions of the zone. The proposed severed lot will have an area of approximately 1,462 square metres (0.36 acres) and a frontage of approximately 30 metres along the travelled portion of Warnick Road.

Planning staff are satisfied 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 December 16, 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., MCIP, 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 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. 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. 6212, 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 Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, ***in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties.*** This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6212, for further clarification.
5. Receipt of a letter from the Grand River Conservation Authority indicating that a suitable development envelope is present on the proposed severed lands.
6. 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 re-apportionment 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.

7. 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.
8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 79.7 metres (261.5 feet) and contain an area of approximately 0.1492 hectares (0.37 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 dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 24, 2025, after which time this consent will lapse.

FILE NO.: PLB-2022-016

GULACHA, Jagroop

Assessment Roll Number: 2810-025-001-22310

Location Map FILE #PLB-2022-016 APPLICANT: Gulacha



Location:

**1 MOHAWK LINE
GEOGRAPHIC TOWNSHIP OF SHERBROOKE
WARD 5**

Legal Description:

**SHERBROOKE CON 1 PT LOT 8 RP
18R4011 PT PARTS 1 2 AND 3**

Property Assessment Number:

2810 025 001 22310 0000

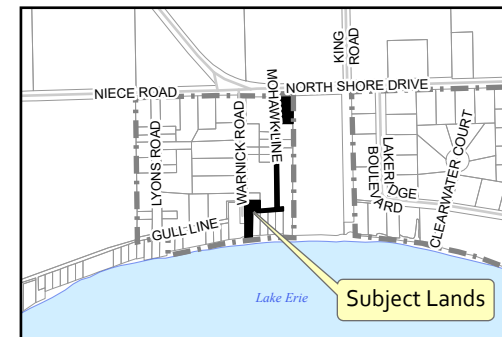
Size:

1.28 Acres

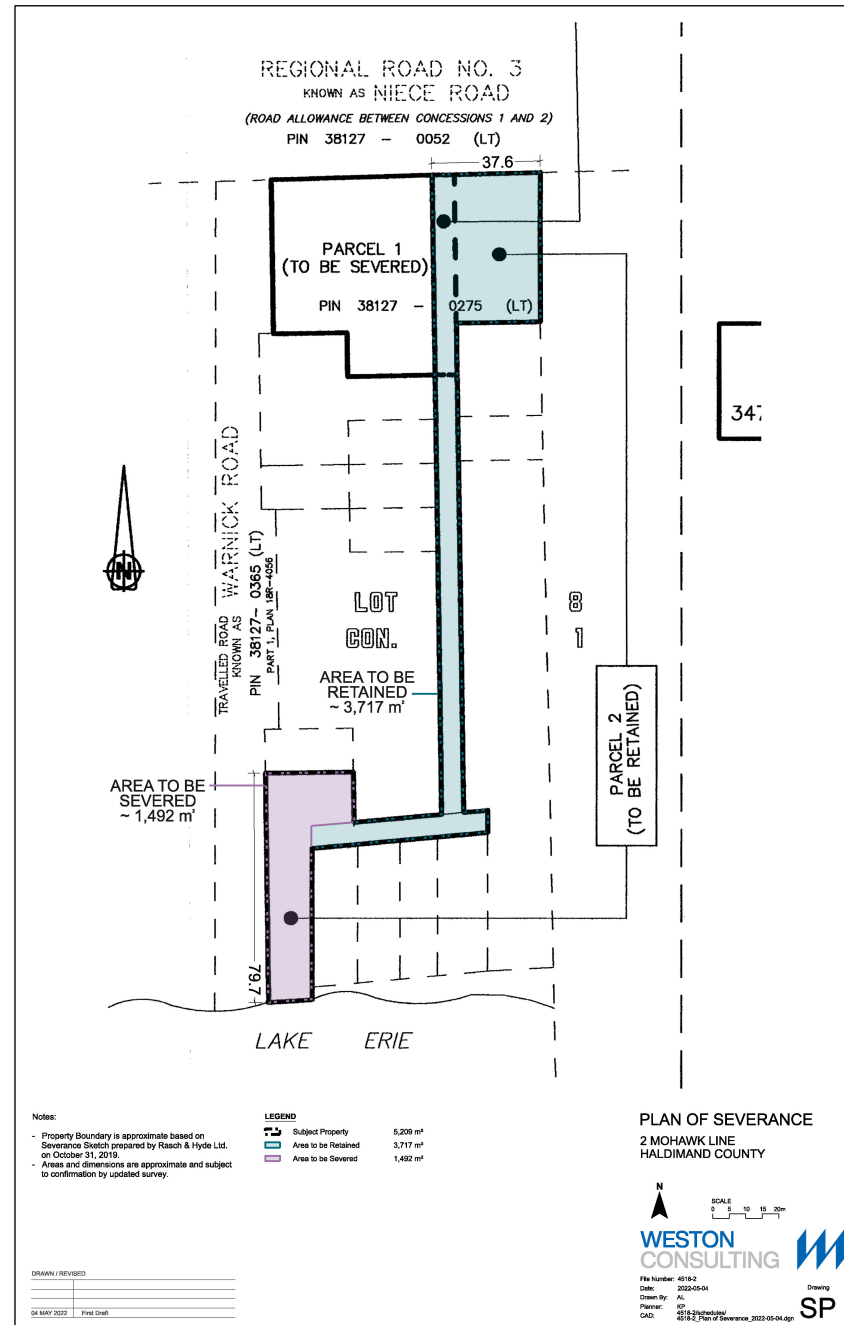
Zoning:

**RL (Lakeshore Residential) &
GRCA Regulated Lands**

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



Owner's Sketch FILE #PLB-2022-016 APPLICANT: Gulacha





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: January 24, 2023
File Number: PLA-2022-172
Property Roll Number: 2810-156-002-01400
Applicant: Halina Salciccioli
Agent: Scott Elliott (Northern Foam Tech)
Property Location: Lot 1 North of Talbot, Village Plan of Cayuga, known municipally as 6 Talbot Street West

Recommendation

That application PLA-2022-172 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the accessory dwelling unit provisions of the Downtown Commercial (CD) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the addition of an accessory residential unit within an existing residential dwelling on the subject property.

Development Standards	Required	Proposed	Deficiency
Accessory Dwelling Unit	1 Accessory Dwelling Unit permitted in a non-residential use	2 Accessory Dwelling Unit permitted in a non-residential use	1 Accessory Dwelling Unit permitted in a non-residential use

Site Features and Land Use: The subject lands are located within the urban area of Cayuga and front onto the north side of Talbot Street West, east of Ottawa Street. The subject lands currently contain a dwelling and a related accessory structure.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: As long as water and sanitary can handle extra load, no comments for new dwelling.

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.

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 'Community Commercial' in the OP. Residential uses, primarily in the form of apartments, are permitted in the 'Community Commercial' designation. Community Commercial Areas identified as Intensification Areas and Intensification Corridors (as it is in Cayuga) shall also function as primary intensification areas and shall accommodate a mix of residential and commercial uses primarily in the form of apartments, stacked townhouses and mixed use buildings.

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 "Downtown Commercial (CD)" in the Zoning By-law. The zoning on the subject lands permits an accessory dwelling unit. Relief is requested to permit a second dwelling unit to be

established within the existing dwelling, which is one more than is permitted under the zoning.

The proposed accessory dwelling unit would have the result of intensifying residential use within an existing urban area, which is encouraged in both provincial and County policy.

It is the opinion of Planning staff that 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 construction of an additional dwelling unit within an existing residential facility, with no outward expansion of said structure. The proposed structure will meet all of the required setbacks and provide storage for the property. The proposed structure is not anticipated to negatively impact the neighbouring properties.

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 structure will intensify the existing residential use on the property and is not anticipated to adversely impact an adjacent properties.

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 December 2, 2023.

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

Location Map FILE #PLA-2022-172 APPLICANT: Salciccioli



Location:

**6 TALBOT STREET WEST
URBAN AREA OF CAYUGA
WARD 2**

Legal Description:

CAY LOT 1 N TALBOT

Property Assessment Number:

2810 156 002 01400 0000

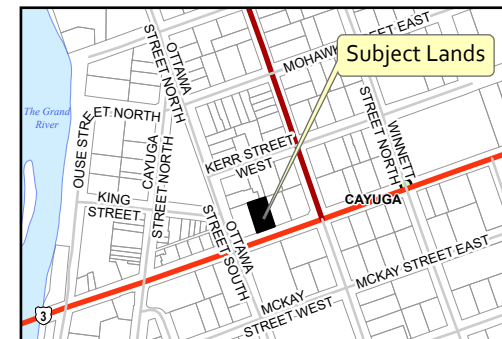
Size:

0.25 Acres

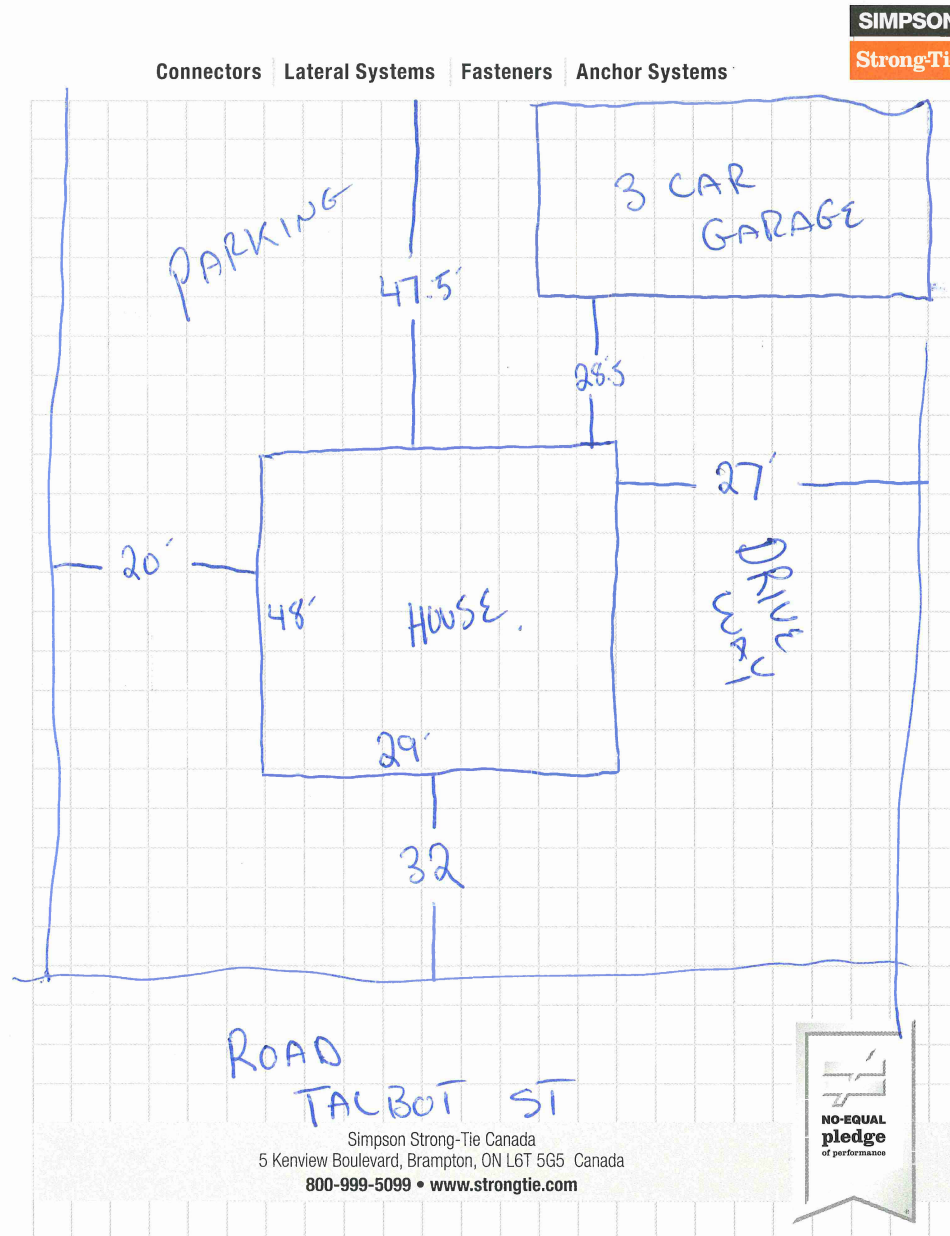
Zoning:

CD (Downtown Commercial)

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



Owner's Sketch FILE #PLA-2022-172 APPLICANT: Salciccioli





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: January 24, 2023

File Number: PLA-2022-173

Property Roll Number: 2810-022-003-08300

Applicant: Topp Farms

Agent: Kim Hessels

Property Location: Concession 3, Part Lot 8, Geographic Township of Canborough, known municipally as 259 Moote Road

Recommendation

That application PLA-2022-173 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the MDS provisions of Haldimand County Zoning By-law HC-1 2020. The relief is requested to the expansion of the dairy barn and ancillary facilities on the subject property.

Development Standards	Required	Proposed	Deficiency
Minimum Livestock Barn Set back Distance (Type A Land Uses)	184 metres (602 feet)	147 metres (482 feet)	37 metres (120 feet)
Minimum Livestock Barn Set back Distance (Type B Land Uses)	367 metres (1205 feet)	237 metres (777 feet)	130 metres (428 feet)
Minimum Manure Storage Set back Distance (Type A Land Uses)	265 metres (870 feet)	231 metres (757 feet)	34 metres (113 feet)
Minimum Manure Storage Set back	530 metres (1740 feet)	272 metres (892 feet)	258 metres (848 feet)

Distance (Type B Land Uses)			
-----------------------------	--	--	--

Site Features and Land Use: The subject lands contain an active livestock farm and fronts onto Moote Road. The lands currently contain multiple agricultural buildings, including livestock barns. 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 beyond what is stated in the zoning deficiency form.

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.

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

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 where the primary use of such land is intended to be agricultural in nature, including dairy operations. The subject application will facilitate the growth of an existing operation on the subject lands. Section 3.A.1)16. of the Official Plan requires new development to meet the Minimum Distance Separation Formulae. The intent of this policy is being maintained

through this application, as the proposed new development will not be located closer to the sensitive receptors than the existing barns.

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 “Agricultural (A)” in the Haldimand Zoning By-law. This zone permits agricultural uses including dairy operations. The subject application is seeking relief to permit the construction of a manure storage on the subject lands. The application is seeking relief from the Minimum Distance Separation (MDS) to permit an addition to the existing dairy barn and upgrade the existing manure storage.

The Applicant has requested a reduced minimum livestock barn set back distance for both type A and type B land uses. In this report, type A land uses refers to the surrounding residential lots and type B land uses refers to the cemetery. For type A land uses, the proposed set back distance is 147 metres where 184 metres is required. For type B land uses, the proposed set back distance is 237 metres where 367 metres is required.

In addition, the subject application is seeking relief for the proposed manure storage set back distance for both type A and type B land uses. The manure storage require 34 metres relief from set back requirement for type A land uses and 258 metres relief from set back requirement for type B land uses. The purpose of MDS is to limit the impact on agricultural uses on neighbouring properties. The application represents the expansion of an existing operation, and measures would be required to taken to reduce the requested relief.

The proposed barn addition and manure storage are to be constructed further away from the type A land uses on the residential lots located on the east side of Moote Road. This allows more distance from the barn addition to the existing residential lot than the existing barn. The impact to type A land uses is therefore considered to be minor.

The cemetery on Moote Road is very small with many of the occupants being the earliest settlers in this area. It has few spaces left for new arrivals and would be considered to receive low levels of visitations. There is no place of worship present. Therefore, the impact on the cemetery can be considered minor. New

impacts beyond what already exist from the current dairy operation are expected to be minimal.

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 the expansion of the existing dairy operation on the subject lands. A dairy operation and its related uses is an agricultural use that is appropriate and encouraged in the agricultural designation.

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

4. Is the application minor?

Planning staff comment: The subject application will facilitate the expansion of an existing dairy operation. While the expansion of farm structure is seeking relief from the MDS requirement, the MDS setbacks are larger than the existing structures. The application will not result in the creation of a new potential conflict. This application represents an addition and modernization to an existing operation.

It is the opinion of Planning staff that the subject application is minor

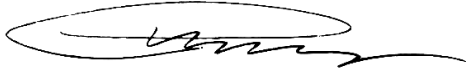
The subject application meets the four tests of a minor variance.

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 December 9, 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:



Chris Tang, B. PLAN.
Planning Technician
905-318-5932 ext. 6210

Reviewed by:



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

Location Map FILE #PLA-2022-173 APPLICANT: Topp Farms



Location:

**259 MOOTE ROAD
GEOGRAPHIC TOWNSHIP OF
CANBOROUGH
WARD 6**

Legal Description:

CAN CON 3 PT LOT 8

Property Assessment Number:

2810 022 003 08300 0000

Size:

100.00 Acres

Zoning:

**A (Agricultural), W (NPCA Wetlands) &
NPCA Regulated Lands**

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

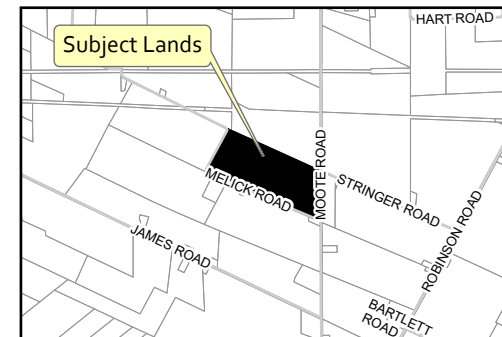
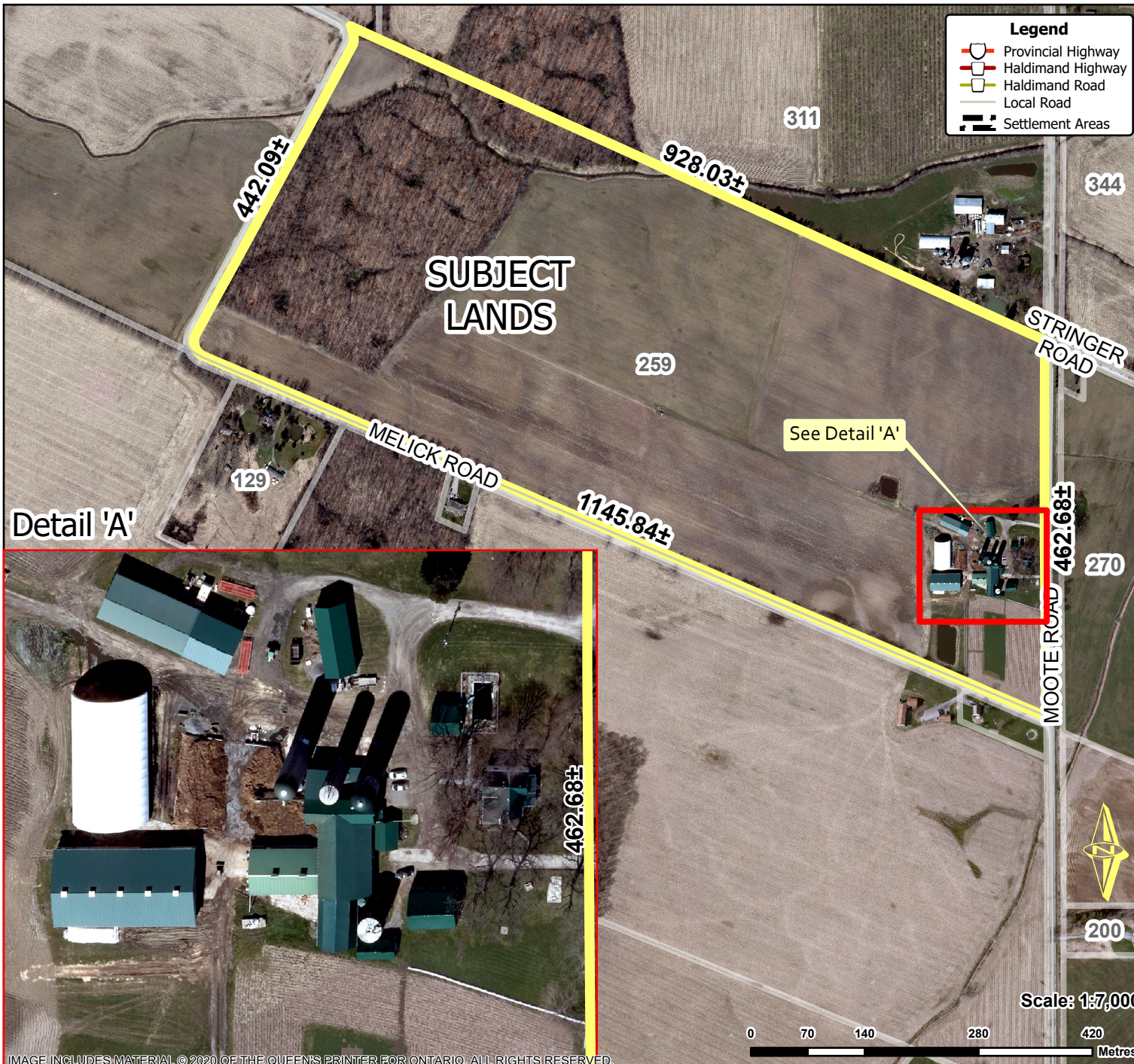
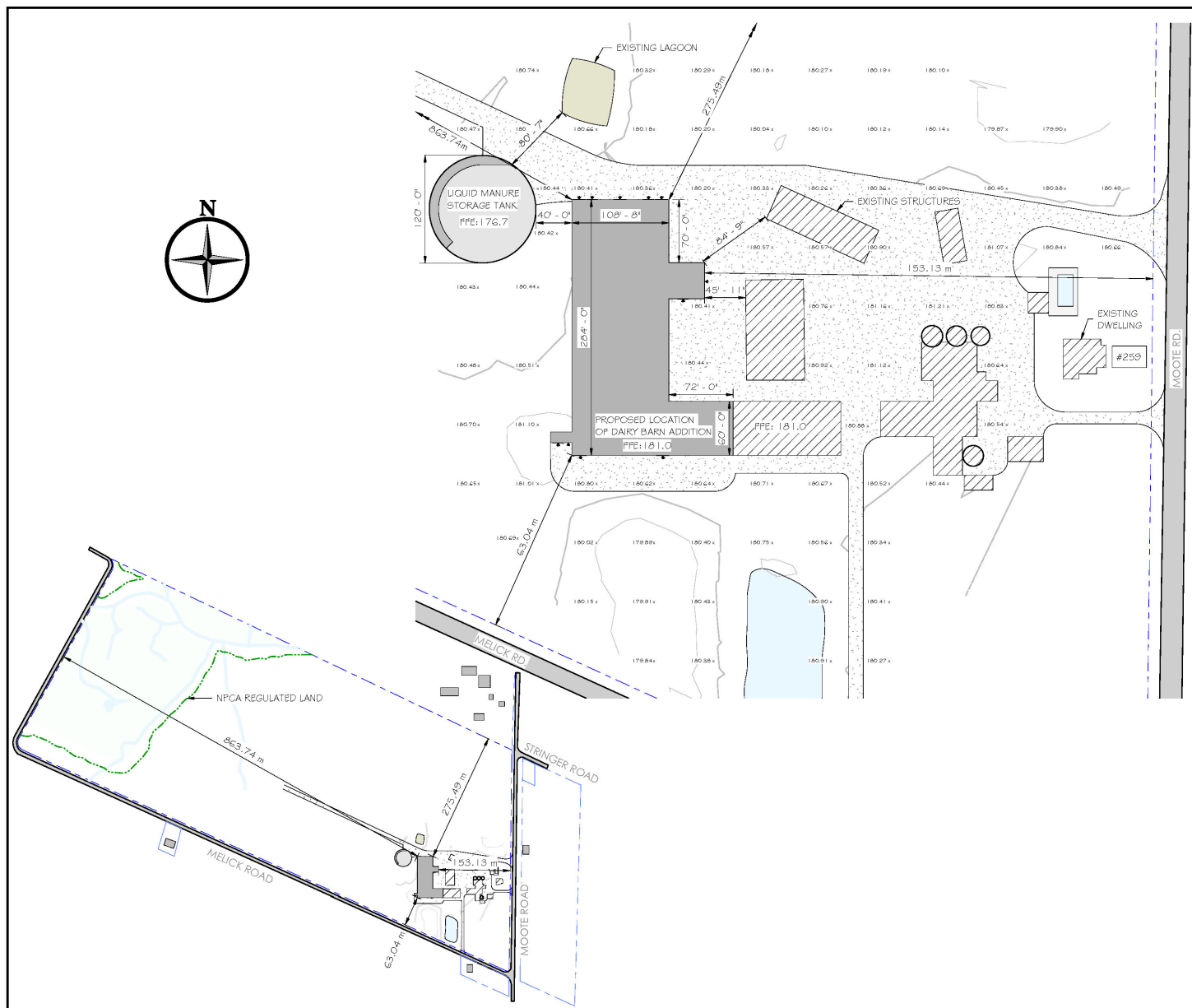


IMAGE INCLUDES MATERIAL © 2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLA-2022-173 APPLICANT: Topp Farms



1333 HIGHWAY #3
DUNNVILLE, ONTARIO
N1A 2W7
phone: (905) 774-4307

THE DRAWINGS AND SPECIFICATIONS
ARE THE PROPERTY OF THE ENGINEER
TO BE USED ONLY FOR THE PROJECT
FOR WHICH THEY WERE ISSUED.

COPYRIGHT 2022



REVISED	3	SEPT 30/22	W/D
REVISED	2	SEPT 27/22	W/D
REVIEW	1	AUG 25/22	W/D
PRINTS ISSUED/REVISIONS	NO.	DATE	BY

TOPP FARMS

SITE PLAN

259 MOOTE RD.
DUNNVILLE, ON.
N1A 2W1

DRAWING
SITE PLAN

SCALE
As indicated T&E-22-206

DRAWING FILE
C:\Users\w.dykstra\OneDrive\Documents\2022\PLA\PLA-2022-173 (Topp Farms)\PLB2022173\PLB2022173.aprx

DRAWN BY
W.DYKSTRA
DATE
AUG 25/22
SHEET
1 OF 1

DRAWING NUMBER
C-1



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: January 24, 2023

File Number: PLA-2022-174

Property Roll Number: 2810-153-003-05850

Applicant: Alexis and Robert Hayes

Property Location: Concession 5 to 6, Part Lot 41, Registered Plan 18R3340
Part 1, Geographic Township of Oneida, known municipally
as 743 4th Line

Recommendation

That application PLA-2022-174 be approved. The application meets the four tests of a minor variance. Approval is subject to the following condition:

- 1) That a septic evaluation for parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of building permits. 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.

Details of the Submission

Proposal: Relief is requested from the dwelling unit area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the addition to the existing dwelling on the subject property.

Development Standards	Required	Proposed	Deficiency
Maximum Secondary Unit Area	100 square metres (1076.4 square feet)	147.8 square metres (1590.9 square feet)	47.8 square metres (514.5 square feet)

Site Features and Land Use: The subject lands are located on the north side of 4th Line in the geographic township of Oneida. The subject lands currently contain a dwelling and related accessory structures. The majority of the subject lands are under

active agricultural production. The surrounding land uses are primarily agricultural in nature. The adjacent lot to the east is rural residential in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Septic system to have evaluation and submitted to Building prior to issuance of building permits.

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 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

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 “Agriculture” designation permits residential dwellings and related accessory structures. The subject application will facilitate the construction of a secondary suite as an addition to the existing dwelling on the subject lands.

The Official Plan outlines criteria for the establishment of secondary suites in section 5.O.1. The Official Plan requires that secondary suites be subordinate to the primary dwelling, have sufficient parking, able to be serviced, comply with building and fire codes, and not significantly alter the exterior appearance of the

existing dwelling. The proposed secondary suite will remain subordinate to the primary dwelling on the property, and the lot area is sufficient to accommodate onsite parking and servicing. The proposed secondary suite will require a building permit and will comply with relevant Provincial codes. Finally, the proposed suite will not impact the appearance of the primary dwelling.

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 “Agricultural (A)” in the Haldimand County Zoning By-law. A residence and accessory structures, including a secondary suite, are permitted in the “A” zone. The subject application is seeking relief to permit a secondary suite with an area of 147.8 square metres (1590.9 square feet). Section 4.55 of the Zoning By-law limits the area of a secondary suite to 40% of the area of the primary dwelling to a maximum of 100 square metres. The intent of this provision is to ensure that secondary suites remain secondary to the primary dwelling and to limit adverse impacts on neighbouring properties. The subject lands are well screened, and the proposed location of the secondary suite maintains large buffers to adjacent lots. The proposed secondary suite is not anticipated to negatively impact adjacent lots. Further, while the proposed secondary suite exceeds the maximum area, the proposed suite is smaller than the primary dwelling and will be secondary in nature.

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 the construction of a secondary suite on the property. The subject lands are large and well treed with ample buffering between the proposed development and neighbouring land uses. The proposed size and location are not anticipated to adversely impact neighbouring properties.

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

4. Is the application minor?

Planning staff comment: The subject application is seeking relief from the provisions in the Zoning By-law. Relief is requested to permit a secondary suite that is 47.8 square metres (514.5 square feet) larger than the maximum floor area permitted. While the application is seeking relief from the maximum area, the proposed secondary suite will comply with other requirements of the by-law.

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 November 23, 2023.

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

Location Map FILE #PLA-2022-174APPLICANT: Hayes

Detail 'A'



Location:

**743 4TH LINE
GEOGRAPHIC TOWNSHIP OF ONEIDA
WARD 4**

Legal Description:

**OND CON 5 TO 6 PT LOT 41 RP 18R3340
PART 1**

Property Assessment Number:

2810 153 003 05850 0000

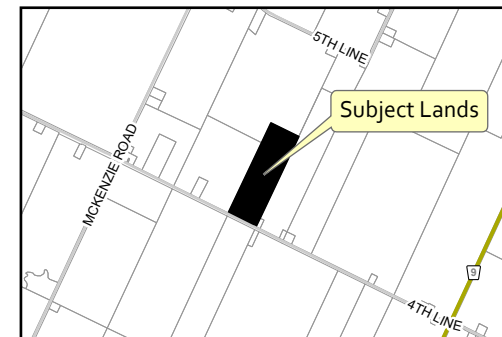
Size:

32.75 Acres

Zoning:

A (Agriculture)

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





Haldimand
County

