

Haldimand County Committee of Adjustment Consent

Meeting Date: February 21, 2023

File Number: PLB-2022-136

Property Roll Number: 2810-155-002-09600

Applicant: Toronto Motor Sports Park Cayuga

Agent: Kim Hessels

Property Location: Jones Tract West of the Grand River, Part Lot 24,

Registered Plan 18R7481 Part 1, Geographic Township of North Cayuga, known municipally as 1058 Kohler Road

Recommendation

That application PLB-2022-136 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 parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.47 hectares (1.16 acres). The retained parcel will have an approximate area of 0.3 hectares (0.75 acres). The property is to provide additional space for the benefitting parcel.

Site Features and Land Use: The subject lands currently contain a single detached dwelling and related accessory buildings. The subject lands have 126.8 metres (416 feet) of frontage along Kohler Road and an area of approximately 0.77 hectares (1.91 acres). The benefitting lands currently contain the Toronto Motorsports Park including car racing facilities and related accessory structures. The subject application will result in an accessory building on the subject lands being transferred to the benefitting lands. Subject to approval of the application, the retained lands will have 46.22 metres (151.6 feet) for frontage along Kohler Road and an area of 0.3 hectares (0.75 acres). The lot the north of the subject lands contains an aluminum casting facility. The balance of the surrounding lands are primarily agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Provide Septic Evaluations to confirm that properties can support class 4 systems. Surveys required to confirm the setbacks of buildings on properties.

Haldimand County Planning & Development – Development Technologist: Entrance permit required for the retained parcel.

Haldimand County Emergency Services: No comments.

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

Grand River Conservation Authority: No objection to the application.

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. The subject application is seeking to boundary adjust lands from a rural residential lot to a large parcel that is not currently being used for agricultural purposes. Section 2.3 of the PPS outlines the polices that apply to prime agricultural areas.

Boundary adjustments are subject to policies under 2.3.4 of the PPS. Section 2.3.4.2 permits boundary 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 represents a minor boundary adjustment that will not result in the creation of a new lot. The subject application will not impact or limit the agricultural activities on nearby lands.

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 builds on the policies of the PPS and speaks to the long-term protection of agricultural areas and strengthening the agricultural system. It is the opinion of Planning staff that the subject application will not have a negative impact on surrounding agricultural uses and will not adversely impact the agricultural system.

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

Haldimand County Official Plan (OP)

The subject and benefitting lands are designated Agriculture in the OP. A portion of the benefitting lands are subject to a special policy area (HAL.34) permitting the ongoing use of the lands as a speedway. In keeping with the PPS, the OP permits minor boundary adjustments that do not create an additional lot and do not compromise the functionality or viability of a farm. The subject application will not result in the creation of a new lot and is not anticipated to have an impact on any agricultural operations in the area.

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

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Light Industrial (ML)" while the benefitting lands are zoned "Agricultural (A)" subject to two special provisions to permit the ongoing speedway use.

The minimum required lot area for the ML zone is 1,855 square metres (19,967 square feet) with a minimum frontage of 30 metres (98.4 feet). The subject lands are proposed to have an area of 3035.14 square metres (0.75 acres) and frontage of approximately 46.22 metres (151.6 feet). While the ML zone does not permit single detached dwellings, the existing dwelling is a legal non-conforming use having been established on the property prior to 1965.

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 February 2, 2023.

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:

Meil Staff

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. 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 1083199 Ontario Limited and further identified as Roll No. 2810-155-002-09200, if required.
- 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 Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 4. That the severed parcels become part and parcel of the abutting lands presently owned by 1083199 Ontario Limited and further identified as Roll No. 2810-155-002-09200.
- 5. Receipt of a letter from the Roads Operations Division indicating that they have issued an entrance permit. A copy of permit(s) is to 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.
- 6. That the owner confirm on through the submission of a survey that the existing entrance to the severed lands is located wholly on the severed lands, and that any connection to the retained lands is blocked and closed subject to the satisfaction of the Planning and Development Division. If the existing entrance straddles the proposed lot line, an entrance permit and relocation of the entrance will be required to the satisfaction of the Planning and Development Division.
- 7. Receipt of confirmation that an easement or the relocation/removal of existing hydro lines, at the applicant's expense, has been completed. Contact Hydro One at 519-426-4446 Ext 2259 or 1-866-557-9551, for further information.
- 8. 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.

- 9. 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.
- 10. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.47 hectares (1.16 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

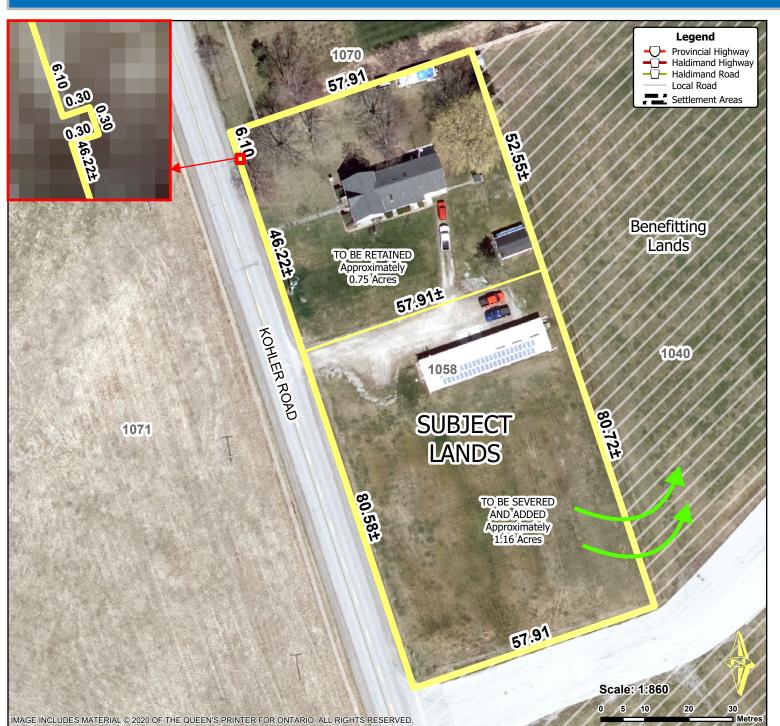
Datum: D North American 1983

Prime Meridian: Greenwich Angular Unit: Degree

11. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 21, 2025, after which time this consent will lapse.

File No. PLB-2022-136
TORONTO MOTOR SPORTS PARK CAYUGA
Assessment Roll No. 2810.155.002.09600

Location Map FILE #PLB-2022-136 APPLICANT: Toronto Motor Sports Park Cayuga





Location:

1058 KOHLER RD GEOGRAPHIC TOWNSHIP OF NORTH CAYUGA, WARD 2

Legal Description:

NORTH CAYUGA JONES TRACT WGR PT LOT 24 AND RP 18R7481 PART 1

<u>Property Assessment Number:</u> **2810 155 002 09600 0000**

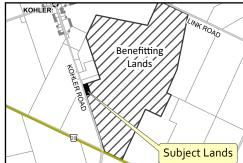
Size:

1.91 Acres

Zoning:

ML (Light Industrial)

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-2022-136 APPLICANT: Toronto Motor Sports Park Cayuga







Haldimand County Committee of Adjustment Consent

Meeting Date: February 21, 2023

File Number: PLB-2022-185

Property Roll Number: 2810-152-003-00500

Applicant: Carl Fox

Agent: Teo Emanuele Fazio

Property Location: Part of the James Young Tract, Registered Plan 18R7024

Part 1, Geographic Township of Seneca, no civic address

Recommendation

That application PLB-2022-185 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 parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.32 hectares (0.79 acres). The retained parcel will have an approximate area of 36 hectares (89 acres). The property is to provide additional space for the benefitting parcel.

Site Features and Land Use: The subject lands are located on the north side of Concession 2 Road in the geographic area of Seneca. The subject lands are currently vacant, and are proposed to be added to a parcel containing a single-family dwelling with a number of accessory structures. The surrounding land uses are agricultural and rural residential in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Sea Containers if still on property to be removed or apply for building permits for Accessory Building as soon as possible before severance approvals if allowed by Committee.

Haldimand County Planning & Development – Development Technologist: Entrance permit required for retained parcel.

Haldimand County Emergency Services: No comments.

Niagara Peninsula Conservation Authority: The Niagara Peninsula Conservation Authority has no objection to the approval of the application.

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 the policies that apply to prime agricultural areas. Section 2.3.1 states that "Prime agricultural areas shall be protected for long term uses for agriculture." The subject application is seeking to boundary adjust lands from an agricultural parcel to a rural residential lot.

Boundary adjustments are subject to policies under 2.3.4 of the PPS. Section 2.3.4.2 permits adjustments for legal or technical reason. The PPS defines legal and 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 is seeking to enlarge the benefitting lands to the west. The proposed boundary adjustment lands are not considered farmable as the lands are frequently flooded during the spring and heavy rainfall events, according to the applicant. Furthermore, the creek bed along the proposed north boundary of the proposed severed lands provides a natural boundary between the farmed lands and the

residential property. Therefore, the proposed boundary adjustment will not result in the removal of lands under active 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 builds on the policies of the PPS and speaks to the long-term protection of agricultural areas and strengthening the agricultural system. It is the opinion of Planning staff that the subject application will not result in agricultural lands being boundary adjusted away from the subject lands.

It is the opinion of Planning staff that the subject application conforms to A Place to Grow, as submitted.

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 0.32 hectares (0.79acres) of land being adjusted from a farm parcel to a rural residential lot. The application will not result in the loss of lands under active agricultural production.

Haldimand County Zoning By-law HC 1-2020

The subject lands and the benefitting lands are zoned "Agricultural (A)". The resulting lot configuration 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 January 18, 2023.

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. 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 Teo Emanuele Fazio and Krysten Kaylie Gregus and further identified as Roll No. 2810-152-003-00505, 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 Teo Emanuele Fazio and Krysten Kaylie Gregus and further identified as Roll No. 2810-152-003-00505.
- 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 sea containers on retained parcel required to have building permits applied for or removed from property to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932 for further information, and for an inspection of the property.
- 6. 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.
- 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, approximately 0.3 hectares (0.74 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 February 21, 2025, after which time this consent will lapse.

File No. PLB-2022-185
FOX, Carl

Assessment Roll No. 2810.152.003.00500

Location Map FILE #PLB-2022-185 APPLICANT: Fox





Location:

0 CONCESSION 2 ROAD GEOGRAPHIC TOWNSHIP OF SENECA WARD 4

Legal Description:

SENECA PT JAMES YOUNG TRACT PT FISHCARRIER TRACT PT LOT 1

Property Assessment Number:

2810 152 003 00500 0000

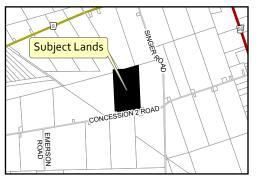
<u>Size:</u>

92.44 Acres

Zoning:

A (Agriculture), W (Wetland), NPCA Regulated Lands & HCOP Natural Environment Wetlands

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





Detail Map FILE #PLB-2022-185 APPLICANT: Fox





Location:

0 CONCESSION 2 ROAD GEOGRAPHIC TOWNSHIP OF SENECA WARD 4

Legal Description:

SENECA PT JAMES YOUNG TRACT PT FISHCARRIER TRACT PT LOT 1

Property Assessment Number:

2810 152 003 00500 0000

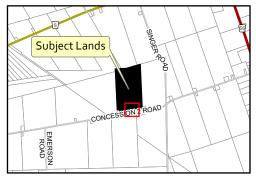
Size:

92.44 Acres

Zoning:

A (Agriculture), W (Wetland), NPCA Regulated Lands & HCOP Natural Environment Wetlands

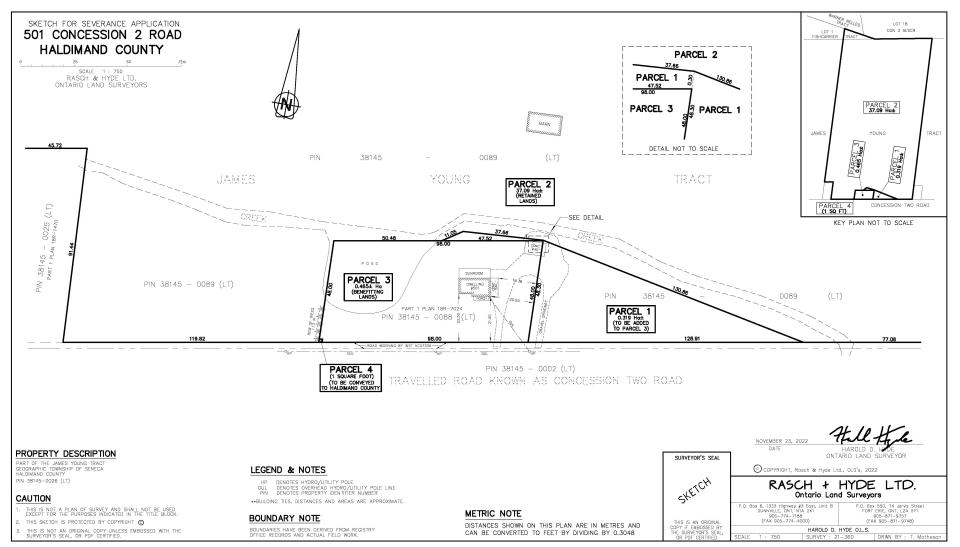
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Owner's Sketch FILE #PLB-2022-185 APPLICANT: Fox







Haldimand County Committee of Adjustment Consent

Meeting Date: February 21, 2023

File Number: PLB-2022-186

Property Roll Number: 2810-158-003-18050

Applicant: Shannon Houwer

Agent: Christopher Houwer

Property Location: Concession 5, Part Lot 6, Geographic Township of Rainham,

known municipally as 450 Concession 6 Road

Recommendation

That application PLB-2022-186 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 containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 68.4 metres (224.4 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 15.6 hectares (38.6 acres).

Site Features and Land Use: The subject lands are located in the geographic township of Rainham and front onto the south side of Concession 6 Road. The site contains a single detached dwelling and an accessory structure. Surrounding land uses are agricultural in nature.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Cargo Containers on retained parcel required to have building permits applied for or be removed from property. Survey of property with dwelling location, septic location and dimensions from property lines required to confirm property area size. Septic Evaluation required for severed property.

Haldimand County Planning & Development – Development Technologist: Entrance permit required for the retained parcel.

Haldimand County Emergency Services: No comments.

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

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. The PPS, however, permits lot creation for a residence surplus to a farming operation as a result of farm consolidation, if the new lot will meet the minimum size requirement to accommodate the use and appropriate sewage and water service. The planning authority is required to ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The application is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow does not provide information or criteria on surplus farm dwelling. The application, therefore, is consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The Official Plan echoes with the PPS providing additional details. The OP states that a severance may be 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 Haldimand County. No new residential dwelling shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed in 1993. The criteria for such lot creation can be found in Section H(4):

a) The severance shall generally be 0.4 hectares to 0.6 hectares in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include 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 buildings and structures;

Planning Comment: The proposed severance is 0.57 hectares (1.4 acres) in size and meets the standard set out in the OP.

- No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed as per the Ontario Building Code;
 - **Planning Comment**: The proposed lot will be serviced by a cistern for water supply and a septic tank for sewage treatment.
- 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**: It is the opinion of planning staff that the proposed lot will not adversely affect the operation or viability of the farm operation on the surrounding or remaining lands.
- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted.
 - **Planning Comment**: No livestock were observed within the area of the subject site at the time of site inspection. Therefore, Minimum Distance Separation 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 proposed lot is not located within 300 metres of licensed pits or 500 metres of licensed quarries.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road.
 - **Planning Comment**: The severed lot will have frontage on an existing public road, known municipally as Concession 6 Road.
- g) Potential impacts on natural environment areas and/or cultural resources shall be assessed and addressed, where necessary.

Planning Comment: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources.

The subject application conforms to the policies of the Official Plan regarding surplus farm dwelling severances.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural (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 February 2, 2023.

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:

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

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. That all cargo containers on retained parcel required to have building permits applied for or removed from property to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932 for further information, and for an inspection of the property.
- 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 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 0.57 hectares (1.4 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

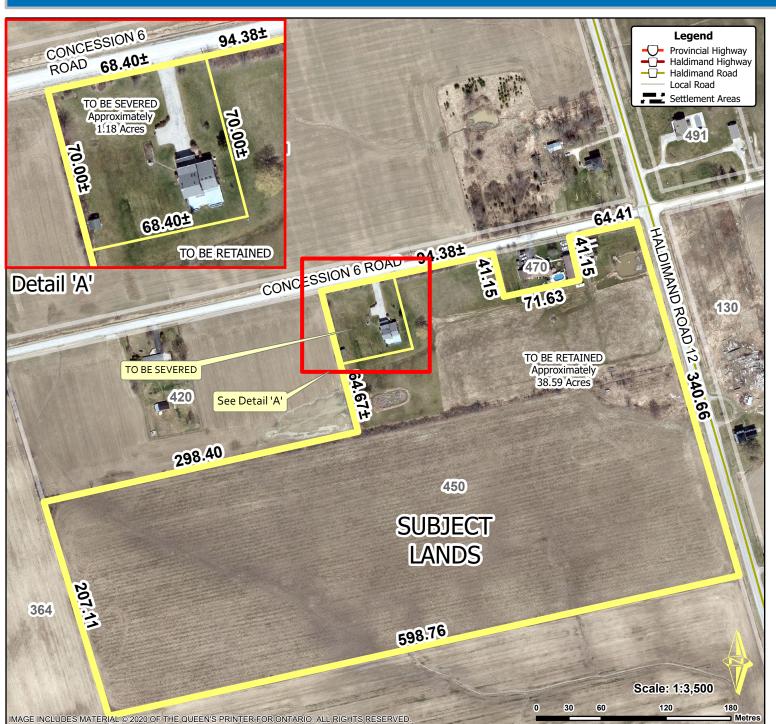
Datum: D_North_American_1983

Prime Meridian: Greenwich Angular Unit: Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 21, 2025, after which time this consent will lapse.

File No. PLB-2022-186 HOUWER, Shannon Assessment Roll No. 2810.158.003.18050

Location Map FILE #PLB-2022-186 APPLICANT: Houwer





Location:

450 CONCESSION 6 ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

Legal Description:

RNH CON 5 PT LOT 6

Property Assessment Number:

2810 158 003 18050 0000

Size:

39.77 Acres

Zoning:

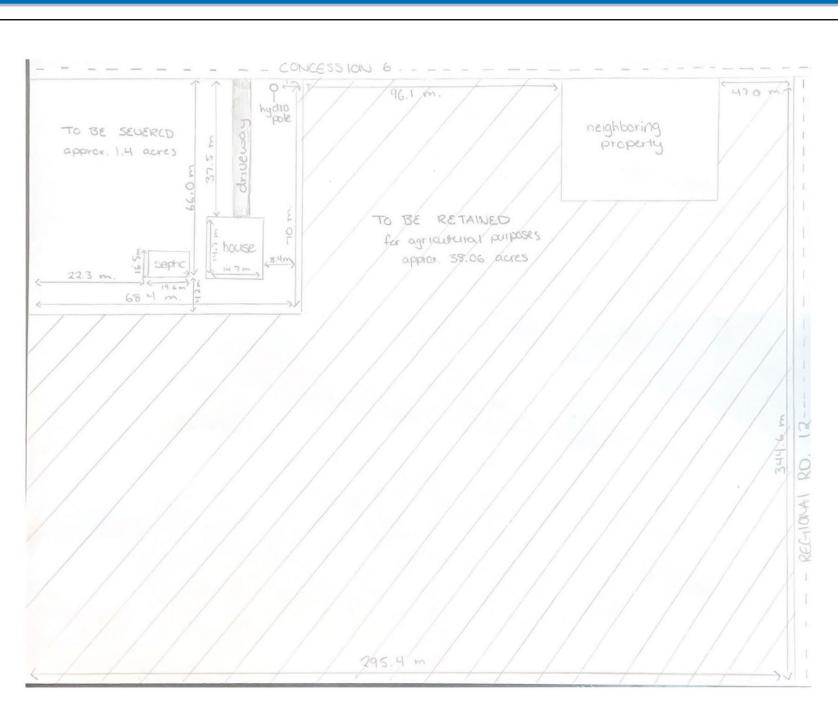
A (Agriculture)

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 FILE #PLB-2022-186 APPLICANT: Houwer









Haldimand County Committee of Adjustment Consent

Meeting Date: February 21, 2023

File Number: PLB-2023-002

Property Roll Number: 2810-332-003-08200

Applicant: Houston and Chace Mitchell

Agent: Michael W. Fowler

Property Location: Concession 6, Part Lot 8, Geographic Township of Walpole,

known municipally as 626 Concession 6 Walpole

Recommendation

That application PLB-2023-002 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 64 metres (210 feet) and will contain an area of 0.41 hectares (1.01 acre). The retained parcel will contain an area of approximately 37.69 hectares (93.1 acres).

Site Features and Land Use:

The subject lands are located in the geographic township of Walpole and front on the south side of Concession 6 Walpole. The subject property is long and narrow with a predominantly agricultural use. The subject lands contain an existing single detached residence located centrally along, and approximately 30 metres (98.4 feet) from, the property's front lot line on Concession 6. There is an existing farm implement shed located approximately 70 metres (229.7 feet) south of the residence. An existing cedar hedgerow, located approximately 22 metres (72.2 feet) behind the residence, screens the implement shed from the view of the residence.

The surplus farm residence and cedar hedge are located on the lot to be severed. The implement shed is located on the retained lot.

Approximately 5.5 hectares (13.6 acres) of the subject lands, located in the south west corner of the property, includes a drainage feature and some vegetated lands which are not farmed. The drainage feature is regulated by the Long Point Region Conservation Authority (LPRCA).

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Survey Required to show the location of the Septic Area and Dwelling. Septic Evaluation Required.

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

Haldimand County Emergency Services: No comments.

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

Long Point Region Conservation Authority: The subject property contains flooding and erosion hazards associated with an existing watercourse and is partially regulated by Long Point Conservation Authority (LPRCA) under Ontario Regulation 178/06. The entirety of the regulated area is contained within the lot to be retained. Permission is required from the LPRCA prior to any development within the regulated area.

The proposed lot to be severed is not regulated by Long Point Conservation Authority under Ontario Regulation 178/06; a permit is not required prior to site development.

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 designated 'Agriculture' and are located in the prime agricultural area of the county. The PPS discourages lot creation in the prime agricultural area. The PPS, however, permits lot creation for a residence surplus to a farming operation as a result of farm consolidation, if the new lot will meet the minimum size requirement to accommodate the use and appropriate sewage and water service. The planning authority is required to ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by severance. The application is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow does not provide information or criteria on surplus farm dwellings. The application, therefore, does not conflict with the policies of A Place to Grow.

Haldimand County Official Plan (OP)

The Official Plan echoes the PPS and provides additional details. The OP states that a severance may be granted for a habitable farm dwelling of a minimum 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 dwelling shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed in 1925. The criteria for such lot creation can be found in Section H(4):

- a) The severance shall generally be 0.4 ha to 0.6 ha in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include 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 buildings and structures.
 - **Planning Comment**: The proposed severance is 0.41 ha (1.01 acres) in size and meets the standard set out in the OP.
- b) No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed as per the Ontario Building Code:

Planning Comment: The proposed lot will be serviced by a cistern for water supply and a septic system for sewage treatment.

- 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**: It is the opinion of planning staff that the proposed lot will not adversely affect the operation or viability of the farm operation on the surrounding or remaining lands.
- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted.
 - **Planning Comment**: No livestock were observed within the area of the subject site at the time of site inspection. Therefore, Minimum Distance Separation 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 Comments**: The proposed lot is not located within 300 metres of licensed pits or 500 metres of licensed quarries. The proposed severance meets the standard set out in the OP.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road.
 - **Planning Comments**: The severed lot will have frontage on an existing public road, known municipally as Concession 6, and meets the criteria of the OP.
- g) Potential impacts on natural environment areas and/or cultural resources shall be assessed and addressed, where necessary.
 - **Planning Comments**: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources.

The subject application conforms to the policies of the Official Plan regarding surplus farm dwelling severances.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural (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 January 27, 2023.

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:

John Douglas, MCIP, RPP

Senior Planner

905-318-5932 ext. 6252

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. 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 0.41 hectares (1.01 acre). 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

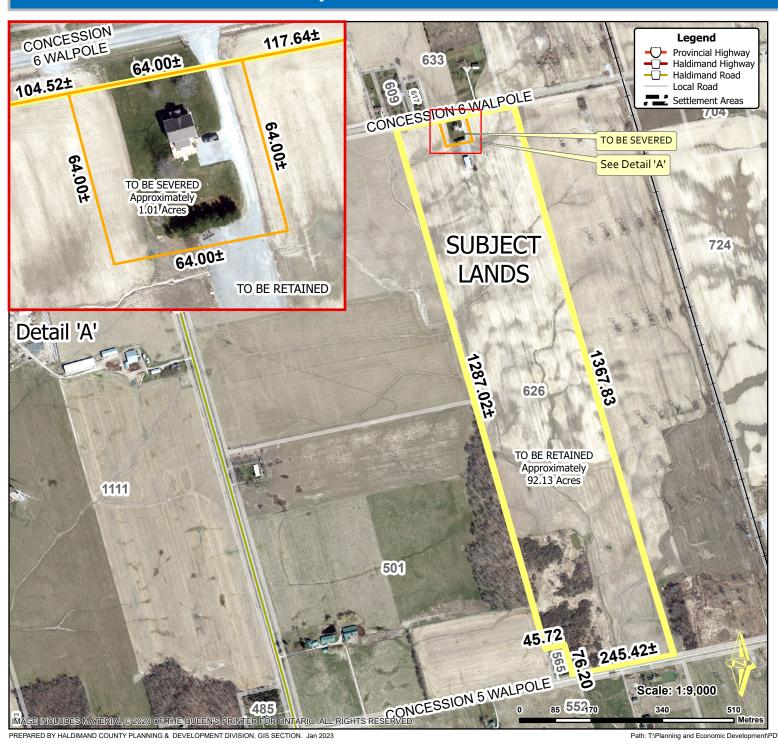
Datum: D North American 1983

Prime Meridian: Greenwich Angular Unit: Degree

 That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 21, 2025, after which time this consent will lapse.

File No. PLB-2023-002
MITCHELL, Houston and Chace
Assessment Roll No. 2810.332.003.08200

Location Map FILE #PLB-2023-002 APPLICANT: Mitchell





Location:

626 CONCESSION 6 WALPOLE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WAL CON 6 PT LOT 8

Property Assessment Number:

2810 332 003 08200 0000

Size:

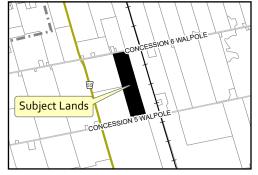
93.14 Acres

Zoning:

A (Agriculture) & LPRCA Regulated Lands

WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES.

ALL INFORMATION TO BE VERIFIED.



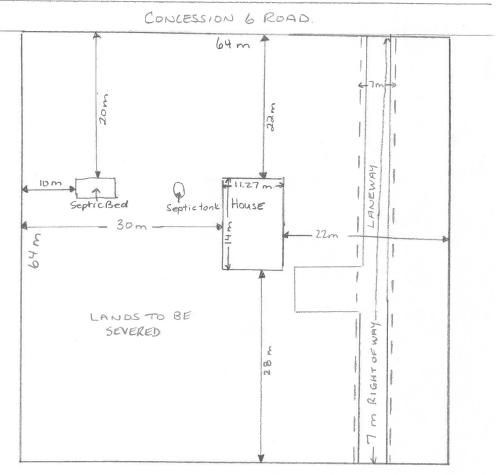


Owner's Sketch 1 of 2 FILE #PLB-2023-002 APPLICANT: Mitchell









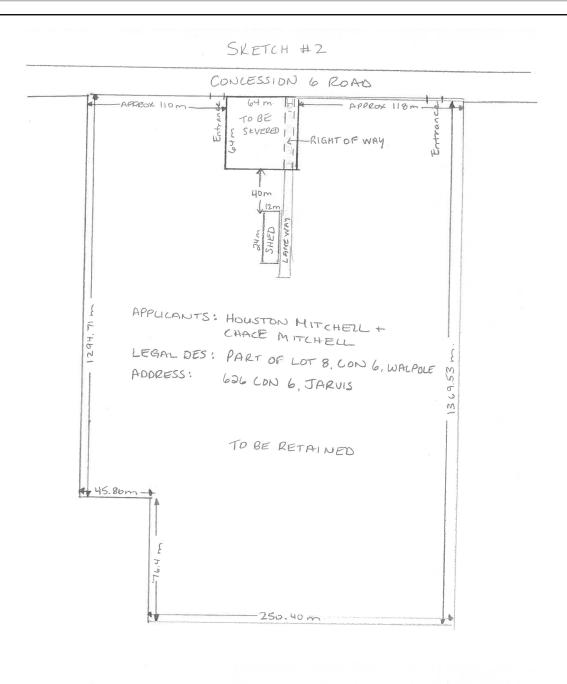
APPLICANTS: HOUSTON IN ITCHELL + CHACE MITCHELL

LEGAL DES : PART OF LOT 8, CON 6, WALPOLE

ADDRESS : 626 CON 6, JARVIS.

Owner's Sketch 2 of 2 FILE #PLB-2023-002 APPLICANT: Mitchell









Haldimand County Committee of Adjustment Consent

Meeting Date: February 21, 2023

File Number: PLB-2023-003

Property Roll Number: 2810-152-002-02800

Applicant: Carl Fox

Property Location: Concession 1 South East of Stoney Creek Road, Part Lot

19, Part of the John Young Tract, Registered Plan 18R4640 Part 3, Geographic Township of Seneca, known municipally

as 177 Singer Road

Recommendation

That application PLB-2023-003 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 containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of 56 metres (183.7 feet) and will contain an area of 0.4 hectares (1.0 acre). The retained parcel will contain an area of approximately 21.4 hectares (52.8 acres).

Site Features and Land Use: The subject lands are located in the geographic township of Seneca and are bound by the west side of Singer Road and the north side of Indiana Road East. The site contains a single family residential dwelling and a storage shed with a number of mature trees and vegetation. Surrounding land uses are agricultural in nature.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Survey required with location of dwelling, garage, septic area and dimensions to property lines. Septic Evaluation required.

Haldimand County Planning & Development – Development Technologist: Entrance permit required for retained parcel.

Haldimand County Emergency Services: No comments.

Niagara Peninsula Conservation Authority: The Niagara Peninsula Conservation Authority has no objection to the approval of the application.

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 designated 'Agriculture' and are located in the prime agricultural area of the county, The PPS discourages lot creation in the prime agricultural area. The PPS, however, permits lot creation for a residence surplus to a farming operation as a result of farm consolidation, if the new lot will meet the minimum size requirement to accommodate the use and appropriate sewage and water service. The planning authority is required to ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by severance. The application is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow does not provide information or criteria on surplus farm dwelling. The application, therefore, is consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The Official Plan echoes with the PPS providing additional details. The OP states that a severance may be 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 dwelling shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed in 1982. The criteria for such lot creation can be found in Section H(4):

a) The severance shall generally be 0.4 hectares to 0.6 hectares in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include 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 buildings and structures;

Planning Comment: The proposed severance is 0.4 hectare in size and meets the standard set out in the OP.

- b) No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed as per the Ontario Building Code:
 - **Planning Comment**: The proposed lot will be serviced by a cistern for water supply and a septic tank for sewage treatment.
- 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**: It is the opinion of planning staff that the proposed lot will not adversely affect the operation or viability of the farm operation on the surrounding or remaining lands.
- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted.
 - **Planning Comment**: No livestock were observed within the area of the subject site at the time of site inspection. Therefore, Minimum Distance Separation 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 proposed lot is not located within 300 metres of licensed pits or 500 metres of licensed quarries. The proposed severance meets the standard set out in the OP.
- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road.
 - **Planning Comment**: The severed lot will have frontage on an existing public road, known municipally as Singer Road.
- g) Potential impacts on natural environment areas and/or cultural resources shall be assessed and addressed, where necessary.

Planning Comment: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources.

The subject application conforms to the OP policies relating to surplus farm dwelling severances.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural (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 February 2, 2023.

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:

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

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 Roads Operations Division indicating that they have issued an entrance permit. A copy of permit(s) is to 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.
- 4. 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.
- 5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.4 hectares (1.0 acre). 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:

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 False_Northing:
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 Scale_Factor:
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 Latitude_Of_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System: GCS_North_American_1983

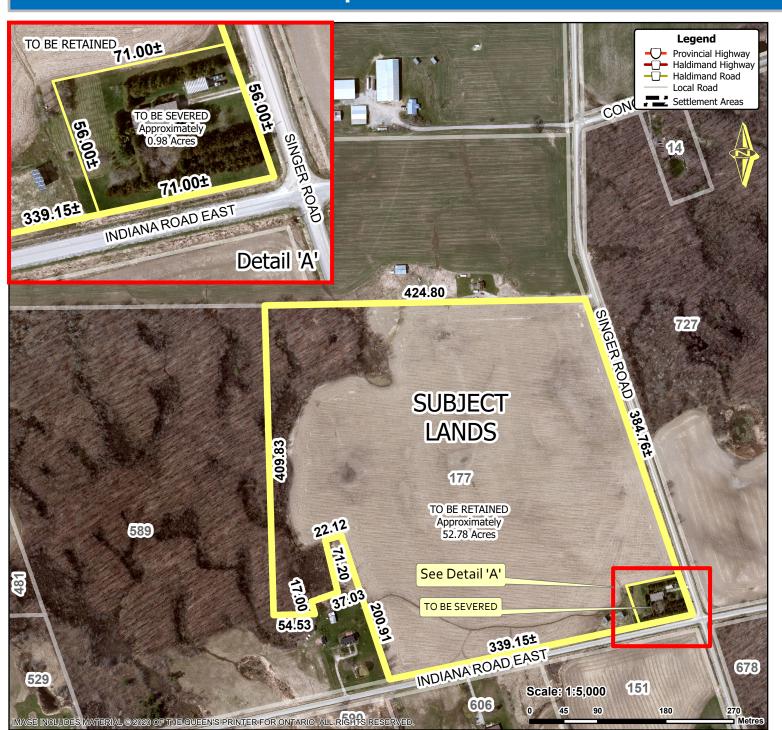
Datum: D North American 1983

Prime Meridian: Greenwich Angular Unit: Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 21, 2025, after which time this consent will lapse.

File No. PLB-2023-003 FOX, Carl Assessment Roll No. 2810.152.002.02800

Location Map FILE #PLB-2023-003 APPLICANT: Fox





Location:

177 SINGER RD

GEOGRAPHIC TOWNSHIP OF SENECA WARD 4

Legal Description:

SEN CON 1 SESCR PT LOT 19 JOHN YOUNG TCT PT RP 18R4640 PART 3

Property Assessment Number:

2810 152 002 02800 0000

Size:

53.76 Acres

Zoning:

A (Agriculture), W (Wetlands) & NPCA Regulated Lands & Wetlands

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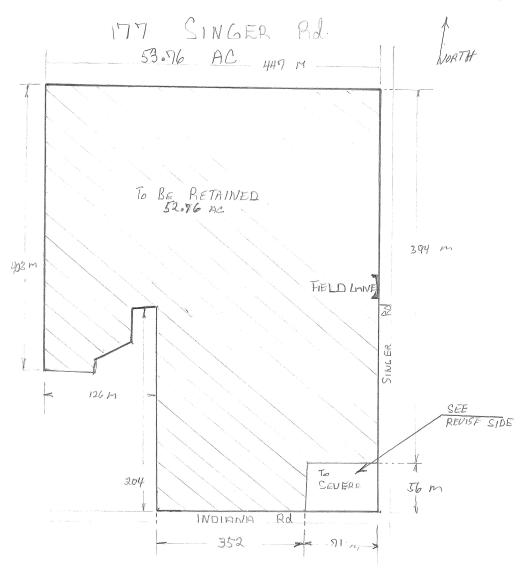


Owner's Sketch 1 of 2 FILE #PLB-2023-003 APPLICANT: Fox









Owner's Sketch 2 of 2 FILE #PLB-2023-003 APPLICANT: Fox





