Haldimand County
Committee of Adjustment
Minor Variance

Meeting Date: April 18, 2023

File Number: PLA-2023-027

Property Roll Number: 2810-151-002-07000-0000

Applicant: Brant Haldimand Norfolk Catholic District School Board

Agent: Restoration Engineering Services Inc.

Property Location: CAL PT LOTS 5 TO 7 S ORKNEY PT LOTS 12 TO 15 N SUTHERLAND known municipally as 81 Orkney Street East, Caledonia

Recommendation

That application PLA-2023-027 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the parking provisions of the Neighbourhood Institutional (IN) Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Parking	45 Spaces	38 Spaces	7 Spaces

The relief is requested to permit the installation of 4 portable classrooms.

Site Features and Land Use: The subject lands are located in the urban area of Caledonia at the corner of Nairne Street and Orkney Street East. The subject property currently contains a school with two existing portable classrooms. The parking for the site is located and accessed on Nairne Street. Adjacent lands are primarily residential in nature.

Existing Intensive Livestock Operations: Not Applicable

Agency & Public Comments

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

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

Haldimand County Emergency Services: No comment.

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

Grand River Conservation Authority: No comment.

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: Comment received from Sharon Slack expressing concerns about the school using their driveway as entrance.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Does the application conform to the general intent of the Official Plan?

   Planning staff comment: The subject lands are designated Residential and located within the Urban Boundary of Caledonia. The Official Plan (OP) supports the viability and vitality of the Residential designation by encouraging development and redevelopment of properties. The subject application will create a growth opportunity by building portable classroom which will allow the school to admit additional students. The increased density is anticipated to increase the population in the immediate vicinity who would be able to travel to the establishment without a vehicle. In section 4.B.8 (g) the OP indicates that the County may considered reduced parking standards as a means to facilitate intensification.

   It is the opinion of Planning staff that the subject application, to reduce the required parking, conforms to the intent of the OP.

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

   Planning staff comment: The subject lands are zoned “Neighbourhood Institutional (IN)” in the Zoning By-law. A school with portable classrooms is a permitted use in the IN zone. The subject application is seeking to permit the additional four portable classrooms. The portable classrooms increase the number of parking spaces required for the use, as institutional parking spaces are calculated based on the number of classrooms (set out in section 5.1 of the Zoning By-law). Since the school board will be building another new school, this parking deficiency will be temporary. The existing school has demonstrated they have sufficient parking for their needs.

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

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

   Planning staff comment: The subject lands are located in the urban boundary of Caledonia. These areas are intended to promote walkability and medium to high-density mixed-use development. County policy promotes the reduction of required parking in these areas recognizing that not all staff or customers will be using a car to access these institutional facilities.

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

4. Is the application minor?

   Planning staff comment: For the reasons listed above, including the location of the subject lands, it is the opinion of Planning staff that the subject application is minor.

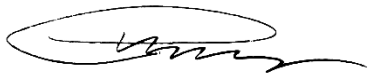
The subject application meets the four tests of a minor variance.

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 March 22, 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:



_____

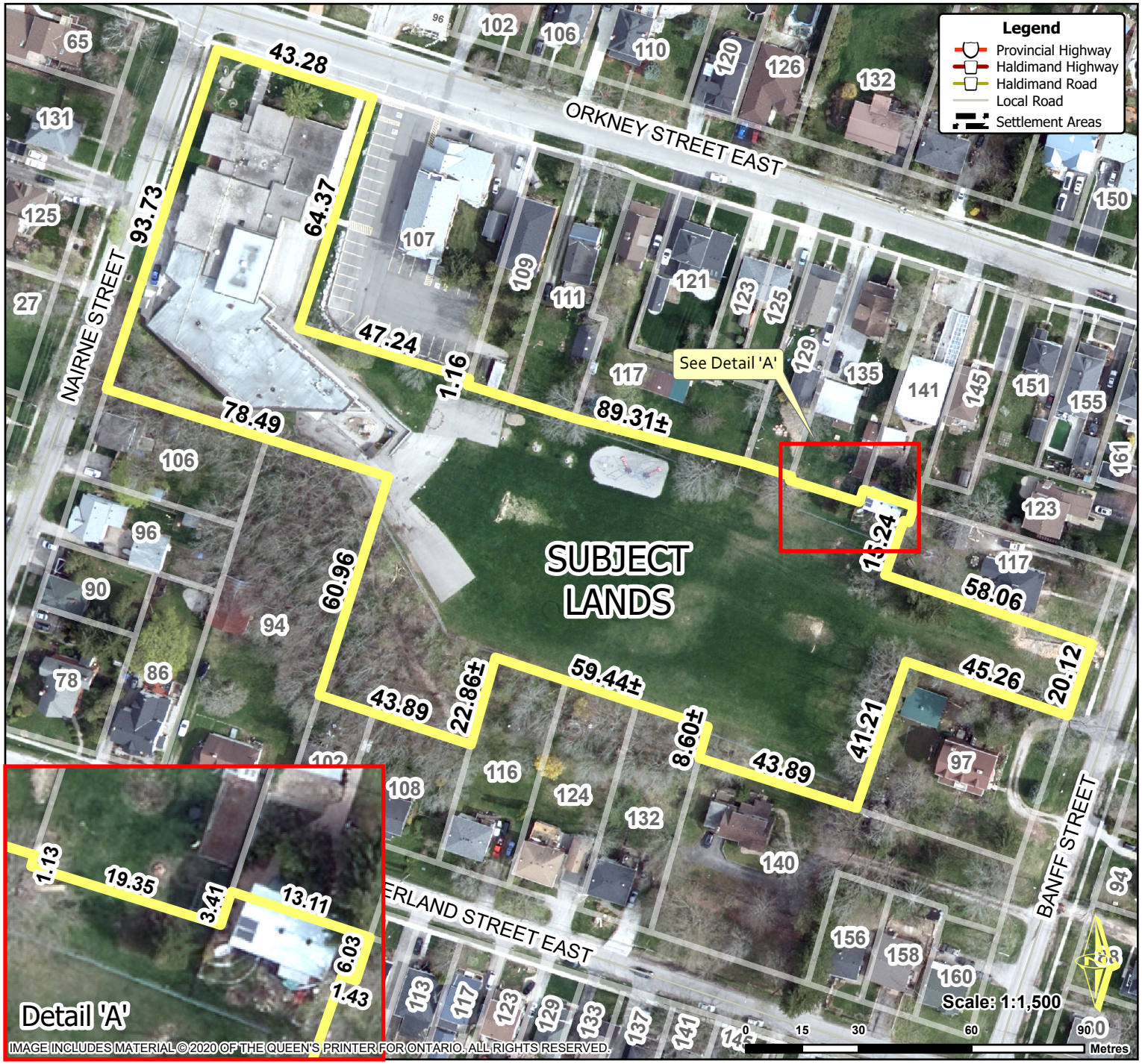
Chris Tang, B. Plan.
Planning Technician
905-318-5932 ext. 6210

Reviewed by:

_____

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

Location Map FILE #PLA-2023-027
APPLICANT: Brant Haldimand Norfolk Catholic District School Board



Haldimand County

Location:

ORKNEY STREET EAST
URBAN AREA OF CALEDONIA
WARD 3

Legal Description:

CAL PT LOTS 5 TO 7 S ORKNEY PT LOTS 12 TO 15 N SUTHERLAND

Property Assessment Number:

2810 151 002 07000 0000

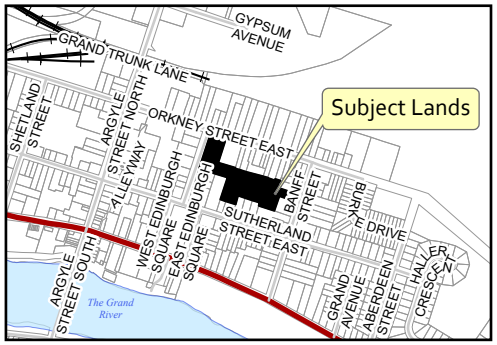
Size:

3.76 Acres

Zoning:

IN (Neighbourhood Institutional) & GRCA Regulated Lands

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



PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

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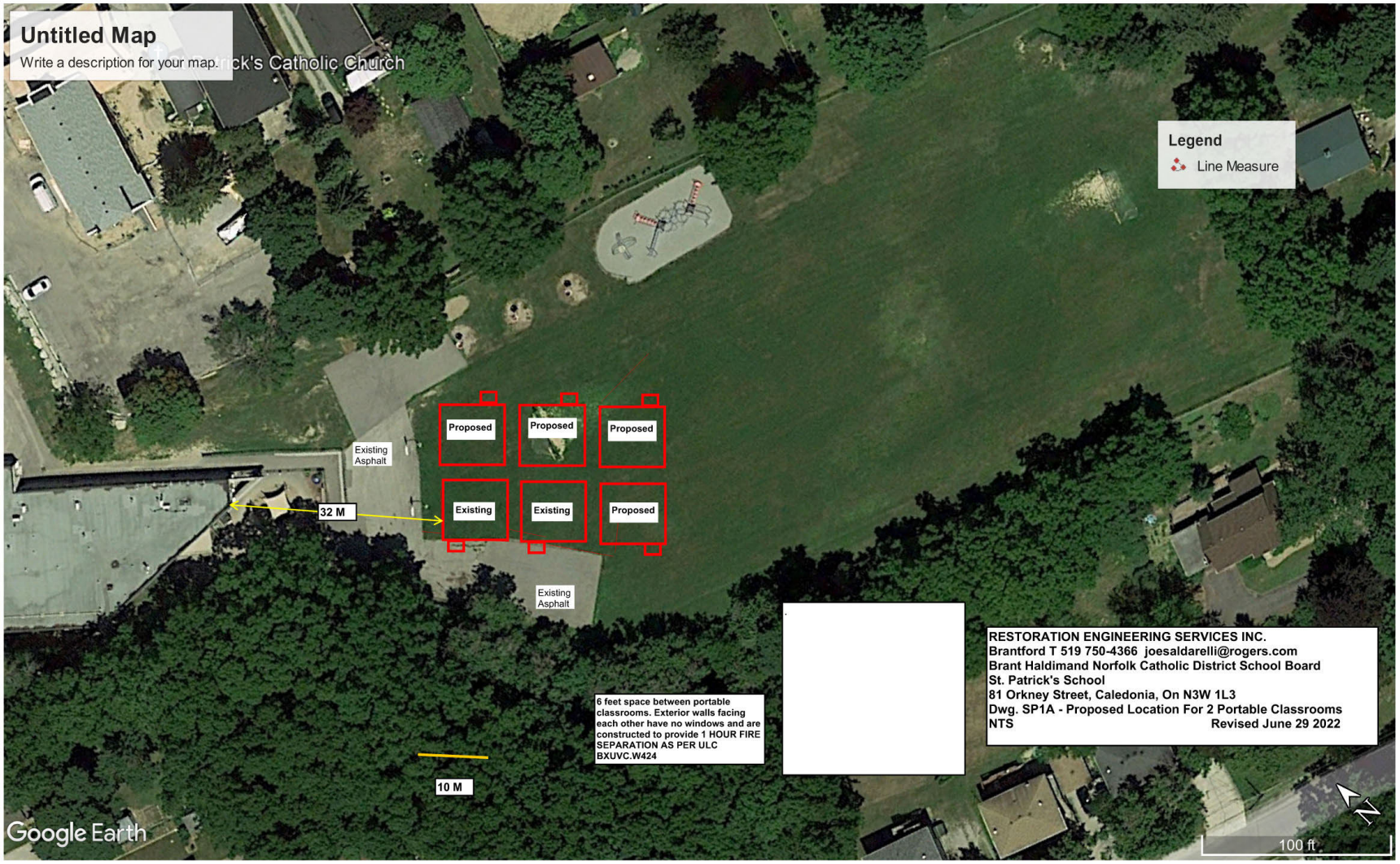
Owner's Sketch FILE #PLA-2023-027
APPLICANT: Brant Haldimand Norfolk Catholic District School Board

Haldimand County



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Haldimand County
Committee of Adjustment
Minor Variance

Meeting Date: April 18, 2023

File Number: PLA-2023-029

Property Roll Number: 2810-024-002-19900

Applicant: Royal Canadian Legion #142

Agent: Lisa Baatnes / Jamie Baatnes

Property Location: Plan 69, Part Lots 12 and 13 North of Queen Street, Registered Plan 18R6469 Part 1, Urban Area of 305 Queen Street

Recommendation

That application PLA-2023-029 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Parking – Existing Legal Non-Conforming	11 Spaces	5 Spaces	6 Spaces
Parking – Current Calculation – 20%	103 Spaces	5 Spaces	98 Spaces

The relief is requested to permit patio extension on the subject property.

Site Features and Land Use: The property is located at the north-east corner of Queen and Maple Streets within the core area of Dunnville. The parcel contains the Royal Canadian Legion building and ancillary parking lot.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

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

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

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 Community Commercial and located within the built boundary and intensification areas for Dunnville. A full range of commercial uses, including restaurants, are permitted within the Community Commercial designation. The Official Plan (OP) supports the viability and vitality of the Community Commercial designation by encouraging development and redevelopment of properties. The subject application will facilitate the expansion of the existing patio which will allow the existing restaurant to accommodate more patrons. Further, as an identified intensification area, it is expected that the area will see the development of medium and high density residential or mixed-use developments in the future. The increased density is anticipated to increase the population in the immediate vicinity who would be able to travel to the establishment without a vehicle. In section 4.B.8 (g) the OP indicates that the County may considered reduced parking standards as a means to facilitate intensification.

It is the opinion of Planning staff that the subject application, to reduce the required parking, conforms to the intent of the OP.

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. A restaurant with outdoor patio is a permitted use in the CD zone. The subject application is seeking to permit the expansion of an existing patio. The patio increases the number of parking spaces required for the use as restaurant parking spaces are calculated based on the number of seats. Due to the seasonal nature of patio use it is uncommon for both the inside and patio to be at capacity. Further, due to the downtown location of the subject lands, much of the staff and some of the customers are able to walk, rather than drive to the restaurant. The existing restaurant has demonstrated they have sufficient parking for their needs.

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

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

   Planning staff comment: The subject lands are located in a designated intensification area in Dunnville’s downtown. These areas are to promote walkability and medium to high-density mixed-use development. County policy promotes the reduction of required parking in these areas recognizing that not all staff or customers will be using a car to access these businesses. Further, a reduced parking situation has existed on the subject lands for several years without incident.

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

4. Is the application minor?

   Planning staff comment: For the reasons listed above, including the location of the subject lands and the presence of a patio, it is the opinion of Planning staff that the subject application is minor.

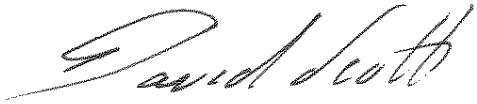
The subject application meets the four tests of a minor variance.

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 March 27, 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:



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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-2023-029 APPLICANT: Royal Canadian Legion #142

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Haldimand County

Location:
305 QUEEN STREET
URBAN AREA OF DUNNVILLE
WARD 6

Legal Description:
PLAN 69 PT LOTS 12 AND 13 N QUEEN ST RP 18R6469 PART 1

Property Assessment Number:
2810 024 002 19900 0000

Size:
0.35 Acres

Zoning:
CD(Downtown Commercial), GRCA Regulated Lands, HCOP Riverine Hazard Lands & Special Flood Plain Policy Area

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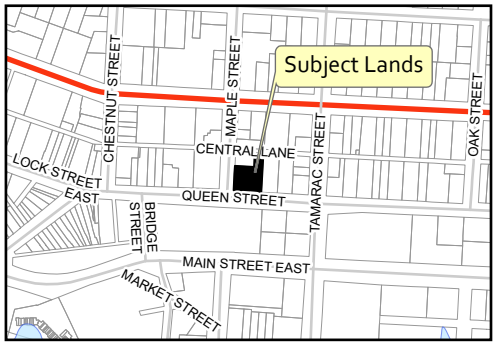

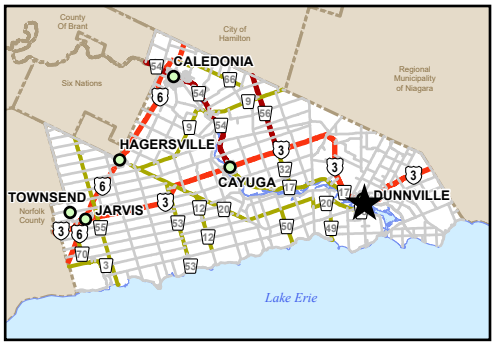

PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

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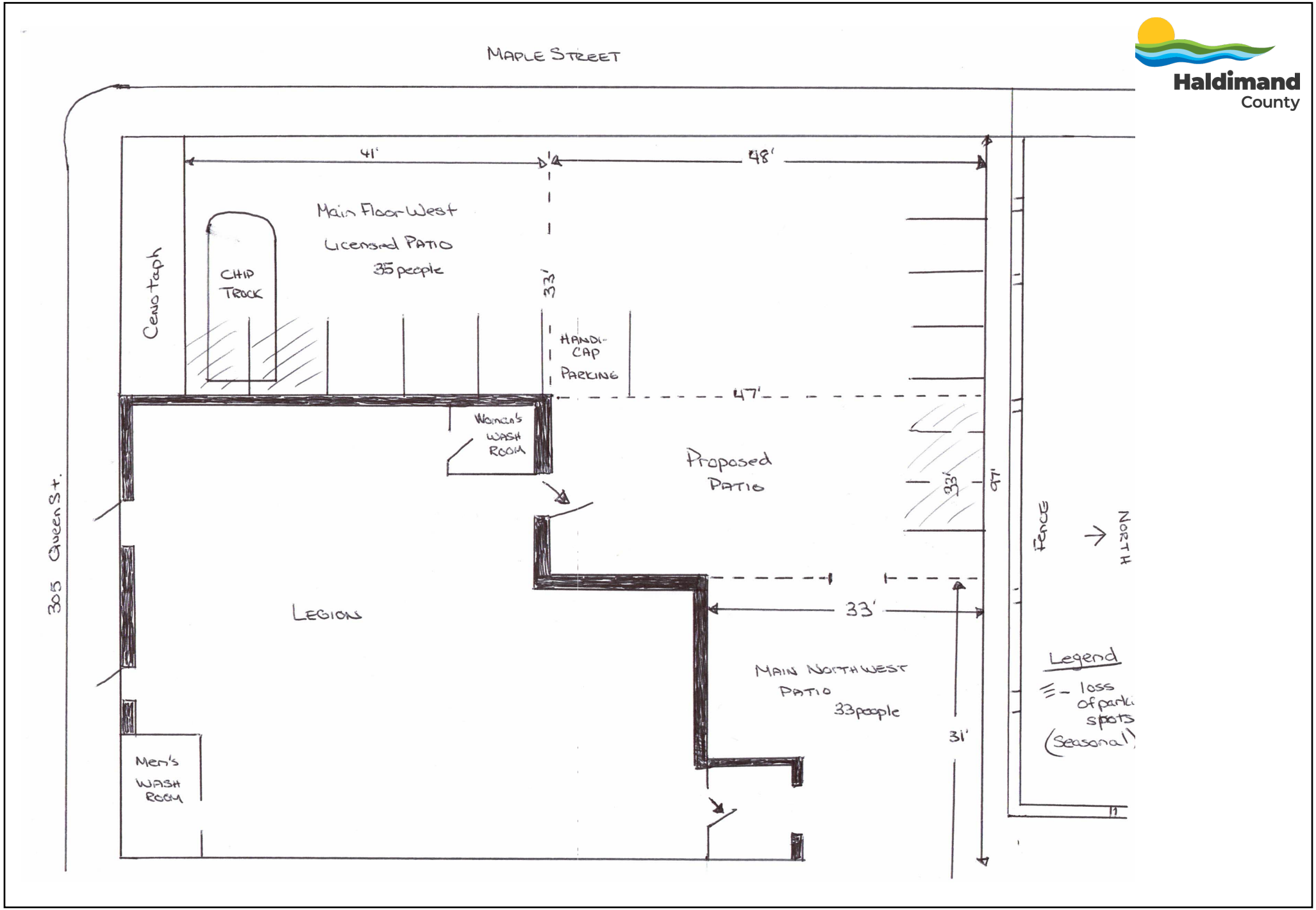
Owner's Sketch FILE #PLA-2023-029 APPLICANT: Royal Canadian Legion #142



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GIS & GRAPHICS SECTION. Mar 2023

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Haldimand County
Committee of Adjustment
Minor Variance

Meeting Date: April 18, 2023

File Number: PLA-2023-033

Property Roll Number: 2810-024-002-19300

Applicant: Rudi Roelsma

Agent: Kim Hessels

Property Location: Plan 69, Part Lot 7, Registered Plan 18R6065 Parts 2 and 3, Registered Plan 18R6068 Part 1, Urban Area of Dunnville, known municipally as 223 Queen St.

Recommendation

That application PLA-2023-033 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Parking – Current Calc – 20%	16 Spaces	0 Spaces	16 Spaces
Parking – Exist. Relief	12 Spaces	0 Spaces	12 Spaces

The relief is requested to permit the expansion of the establishment including a patio that extends to leased land with the property to the west.

Site Features and Land Use: The subject property is located on the north side of Queen Street in downtown Dunnville, east of Chestnut Street. A restaurant establishment including a patio currently exists on the parcel.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No other concerns related to parking at this time.

Haldimand County Planning & Development Services – Development & Design Technologist: Partial Lot Grading Plan required.

Haldimand County Emergency Services: No comments received.

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

Grand River Conservation Authority: No comments.

Ministry of Transportation: 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 and located within the built boundary and intensification areas for Dunnville. A full range of commercial uses, including restaurants, are permitted within the Community Commercial designation. The Official Plan (OP) supports the viability and vitality of the Community Commercial designation by encouraging development and redevelopment of properties. The subject application will facilitate the expansion of the existing establishment on the site and will allow the existing restaurant to accommodate more patrons. Further, as an identified intensification area, it is expected that the area will see the development of medium and high density residential or mixed-use developments in the future. The increased density is anticipated to increase the population in the immediate vicinity who would be able to travel to the establishment without a

vehicle. In section 4.B.8 (g) the OP indicates that the County may consider reduced parking standards as a means to facilitate intensification.

It is the opinion of Planning staff that the subject application, to reduce the required parking, conforms to the intent of the OP.

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. A restaurant with outdoor patio is a permitted use in the CD zone. The subject application is seeking to permit the expansion of the establishment. The patio increases the number of parking spaces required for the use as restaurant parking spaces are calculated based on the number of seats. Due to the seasonal nature of patio use it is uncommon for both the inside and patio to be at capacity. Further, due to the downtown location of the subject lands, much of the staff and some of the customers are able to walk, rather than drive to the restaurant. There is also an abundant amount of street parking available in this area. The existing restaurant has demonstrated they have sufficient parking for their needs.

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

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

   Planning staff comment: The subject lands are located in a designated intensification area in Dunnville’s downtown. These areas are to promote walkability and medium to high-density mixed-use development. County policy promotes the reduction of required parking in these areas recognizing that not all staff or customers will be using a car to access these businesses. Further, a reduced parking situation has existed on the subject lands for several years without incident.

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

4. Is the application minor?

   Planning staff comment: For the reasons listed above, including the location of the subject lands and the presence of a patio, it is the opinion of Planning staff that the subject application is minor.

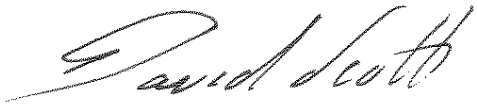
The subject application meets the four tests of a minor variance.

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 March 20, 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:



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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-2023-033 APPLICANT: New Amsterdam Ltd.

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Haldimand County

Location:
223 QUEEN STREET
URBAN AREA OF DUNNVILLE
WARD 6

Legal Description:
PLAN 69 PT LOT 7 RP 18R6065 PARTS 2 AND 3 RP 18R6068 PART 1

Property Assessment Number:
2810 024 002 19300 0000

Size:
0.13 Acres

Zoning:
CD (Downtown Commercial), GRCA Regulated Lands, HCOP Riverine Hazard Lands & Special Flood Plain Policy Area

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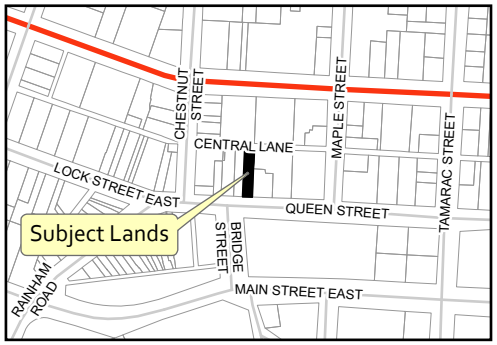

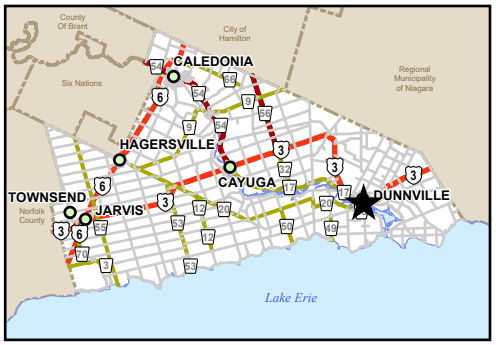

PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

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Owner's Sketch 1 of 2 FILE #PLA-2023-033 APPLICANT: New Amsterdam Ltd.

Haldimand County

ROLL No.: 0240-021-030-00000
PLANNING APPLICATION: PLSP-HA-2020-122

PROPOSED SITE & GRADING PLAN

PART OF LOT 7 NORTH SIDE OF QUEEN STREET PLAN 69

IN THE GEOGRAPHIC TOWNSHIP OF DUNNVILLE

HALDIMAND COUNTY

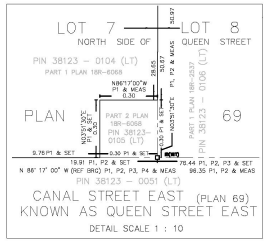
METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

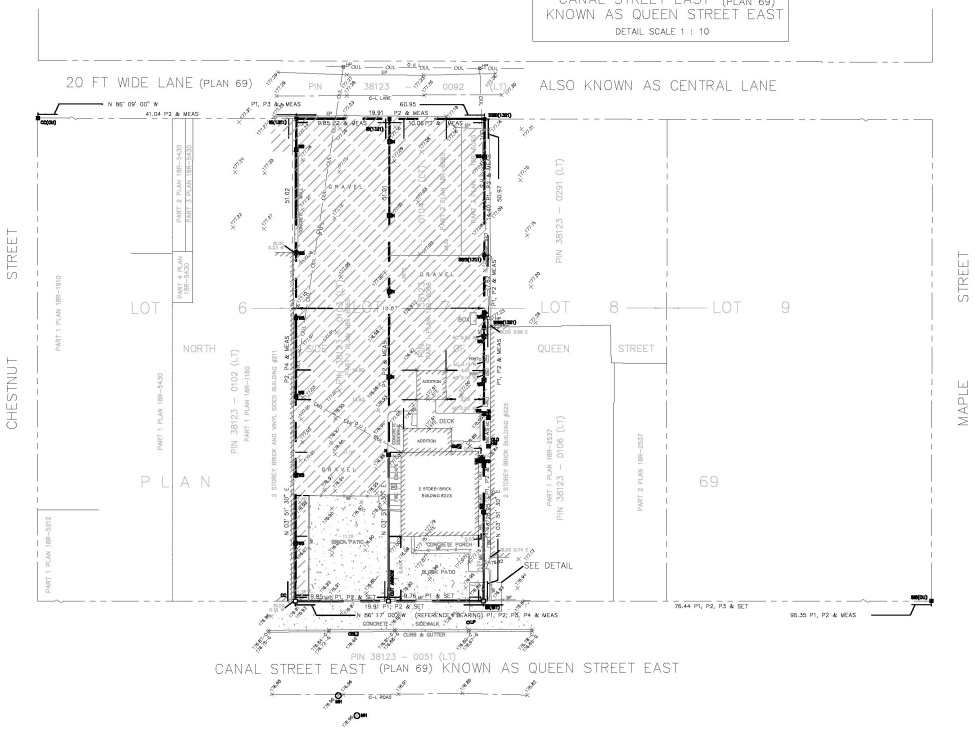
BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH UNIT OF QUEEN STREET AS SHOWN ON PLAN 18R-6068 HAVING A BEARING OF N 86° 17' 00" W.

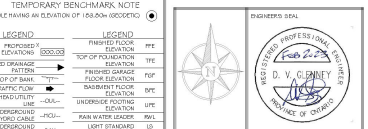
ELEVATION NOTE
ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO GEODETIC SURVEY OF CANADA BENCHMARK 001 (96TU10) HAVING AN ELEVATION OF 179.700m (CGVD - 1928 : 1975)

LOCATION : DUNNVILLE CONCRETE HIGHWAY BRIDGE OVER NORTH CHANNEL OF GRAND RIVER, 0.3 KM SOUTH OF POST OFFICE, TABLET IN EAST FACE OF CONCRETE CURB ON EAST SIDE OF BRIDGE, 80 CM FROM NORTH END, 15 CM BELOW TOP OF CURB, AT ROAD LEVEL. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

TEMPORARY BENCHMARK NOTE
SPIKE IN HYDRO POLE HAVING AN ELEVATION OF 158.50m (GEODETIC)







LEGEND		LEGEND	
PROPOSED ELEVATIONS	000.00	FINISHED FLOOR ELEVATION	FFE
PROPOSED DRAINAGE PATTERN		TOP OF FOUNDATION ELEVATION	TFE
TOP OF BANK		FINISHED GARAGE FLOOR ELEVATION	FGF
TRAFFIC FLOW		BASEMENT FLOOR ELEVATION	BFE
OVERHEAD UTILITY LINE	—OUL—	UNDERSIDE FOOTING ELEVATION	UFE
UNDERGROUND HYDRO CABLE	—HCU—	RAIN WATER LEADER	RWL
UNDERGROUND SANITARY PIPE	—SAN—	LIGHT STANDARD	LS
UNDERGROUND NATURAL GAS PIPE	—G—	CATCHBASIN	CB
UNDERGROUND STORM SEWER	—SW—	MANHOLE	MH
UNDERGROUND POTABLE WATER PIPE	—W—	HYDRO POLE	HP
UNDERGROUND BELL SERVICE	—B—	FIRE HYDRANT	
CONCRETE		GAS VALVE	
GRAVEL		STANDARD IRON BAR	SIB
ASPHALT		IRON BAR	IB
LIGHT-DUTY ASPHALT		PROPERTY LINE	
GRASS		BARRIER-FREE PARKING SPACE	
		PERSONNEL DOOR	
		OVERHEAD DOOR	
		SILT FENCE	
		FENCE, HEIGHT AND MATERIAL AS NOTED ON PLAN	—X—
		DITCH	—>X>—
		SWALE	—>>—
		EXISTING ELEVATIONS	000.00

GENERAL NOTES:

1.	DO NOT SCALE DRAWINGS.
2.	ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR.
3.	ANY ERRORS / OMISSIONS TO BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
4.	2% SLOPE AWAY FROM DWELLING FOR MIN. 1.0m AS PER HCDC SEC. L2.0, PARAGRAPH 9
5.	ROOF RAIN WATER LEADERS ARE TO DISCHARGE DIRECTLY TO THE GROUND ON SPLASH PADS UNLESS OTHERWISE NOTED, AS PER DETAIL "11A"
6.	A 1.0m STRIP SHALL BE LEFT UNDISTURBED ALONG THE BOUNDARIES ABUTTING ADJACENT PROPERTIES.
7.	ALL WORK TO CONFORM TO O.B.C. 2012
8.	BEFORE STARTING WORK THE CONTRACTOR SHALL DETERMINE THE POSITION OF THE POLE LINES, WATER MAINS AND OTHER OVERHEAD AND UNDERGROUND UTILITIES AND STRUCTURES AND ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
9.	ROAD/BLVD RESTORATION WHERE SERVICE TRENCHES MADE (SHOW IN RED) AS PER HCDC SEC. G10.04
10.	CURB/GUTTER RESTORATION AS PER HCDC SEC. G5.00 (OPSD 600.020) OR MATCH EXISTING CURB PROFILE
11.	ALL PROPERTY LINE SWALES & SWALES CROSSING PROPERTY LINES - MUTUAL DRAINAGE AGREEMENT TO BE ON TITLE (TYP.)

DEVELOPER/CONTRACTOR NOTES:

12.	HEAVY-DUTY SILT FENCE BARRIER TO BE INSTALLED AS PER OPSD 219.130
13.	SEE HCDC LG.01, WHEN EARTH CUTS & FILL IN EXCESS OF 0.5m ARE REQUIRED.
14.	DEVELOPER/CONTRACTOR MUST OBTAIN "ENTRANCE PERMIT" BY COMPLETING "ENTRANCE APPLICATION" THROUGH HALDIMAND COUNTY ROADS OPERATIONS DIVISION (905-318-5832 x 8601)
15.	IF APPLICABLE: DEVELOPER/CONTRACTOR MUST OBTAIN "WATER & SANITARY CONNECTION PERMITS" BY COMPLETING "APPLICATION FOR WATER, SANITARY" AND/OR STORM SEWER CONNECTION PERMITS" FORM AT TIME OF APPLYING FOR BUILDING PERMIT
16.	IF APPLICABLE: DEVELOPER/CONTRACTOR MUST OBTAIN "ROAD EXCAVATION PERMIT" THROUGH HALDIMAND COUNTY ROADS OPERATIONS DIVISION (905-318-5832 x 8601)

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

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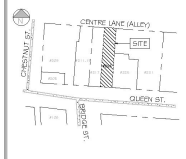
ENGINEER'S SEAL
REGISTERED PROFESSIONAL ENGINEER
D. V. CLINNEY
PROVINCE OF ONTARIO

SCALE 1:250 METRES 0 1 5 10

KEY PLAN



THIS DRAINAGE PLAN WAS PREPARED FROM SURVEY INFORMATION OBTAINED FROM:
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
P.O. BOX 6, 1333 HIGHWAY #3
EAST, UNIT B
DUNNVILLE, ONTARIO N1A 2X1
TEL (905) 774-7168
SURVEY No. 20-344

#	PURPOSE OF ISSUE	DATE OF ISSUE	BY
2	REVD PARKING	FEB. 20 / 23	BB
1	S.S. SCHEDULE "C"	AUG 9/22	MD

RUDI ROLSMA

DRAINAGE PLAN

223 QUEEN ST.
DUNNVILLE, ON.
N1A 1H8

DRAWING: EXISTING SITE

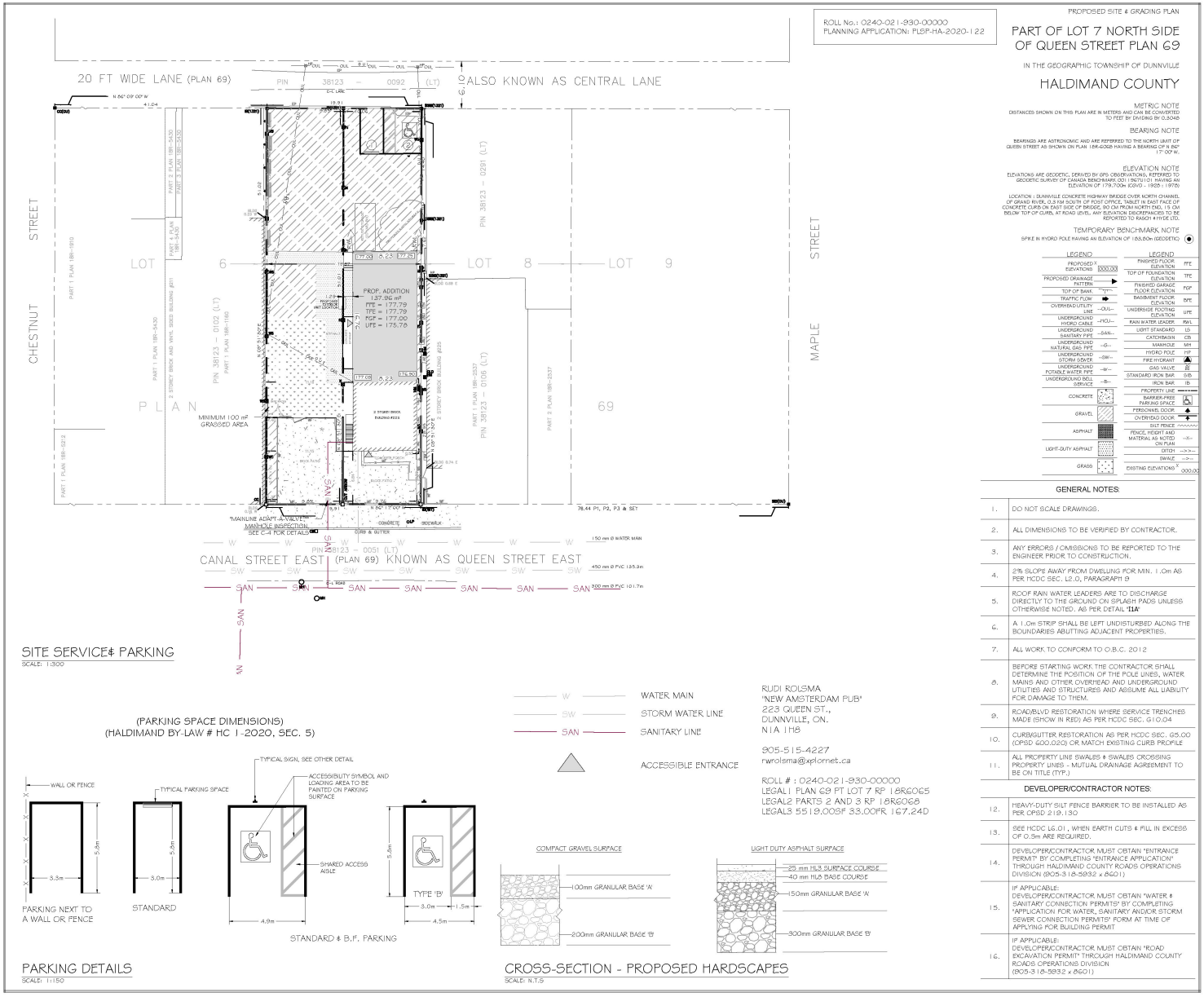
AS NOTED | FILE NO. R2-20-56

DRAWING FILE: DRAINAGE 2022\SURVEY - RUDI ROLSMA - R2-20-56.dwg

DRAWN BY: B. BENNETT
START DATE: DEC. 21, 2020
SHEET: 1 OF 4
DRAWING NUMBER: C-1

Owner's Sketch 2 of 2 FILE #PLA-2023-033 APPLICANT: New Amsterdam Ltd.

Haldimand County



ROLL No.: 0240-021-930-00000
PLANNING APPLICATION: PLSP-HA-2020-122

PROPOSED SITE & GRADING PLAN

PART OF LOT 7 NORTH SIDE OF QUEEN STREET PLAN 69

IN THE GEOGRAPHIC TOWNSHIP OF DUNNVILLE

HALDIMAND COUNTY

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH LIMIT OF QUEEN STREET AS SHOWN ON PLAN 18R-6068 HAVING A BEARING OF N 86° 17° 00" W.

ELEVATION NOTE
ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO GEODETIC SURVEY OF CANADA BENCHMARK 00 1 (867101) HAVING AN ELEVATION OF 179.700m (CGVD - 1928 - 1978)

LOCATION : DUNNVILLE CONCRETE HIGHWAY BRIDGE OVER NORTH CHANNEL OF GRAND RIVER, 0.3 KM SOUTH OF POST OFFICE. TABLET IN EAST FACE OF CONCRETE CURB ON EAST SIDE OF BRIDGE, 90 CM FROM NORTH END, 15 CM BELOW TOP OF CURB, AT ROAD LEVEL. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD.

TEMPORARY BENCHMARK NOTE
SPIKE IN HYDRO POLE HAVING AN ELEVATION OF 183.50m (GEODETIC)

LEGEND

PROPOSED ELEVATIONS	000.00
PROPOSED DRAINAGE PATTERN	
TOP OF BANK	
TRAFFIC FLOW	
OVERHEAD UTILITY LINE	--OU--
UNDERGROUND HYDRO CABLE	--HCU--
UNDERGROUND SANITARY PIPE	--SAN--
UNDERGROUND NATURAL GAS PIPE	--G--
UNDERGROUND STORM SEWER	--SW--
UNDERGROUND POTABLE WATER PIPE	--W--
UNDERGROUND BELL SERVICE	--B--
CONCRETE	
GRAVEL	
ASPHALT	
LIGHT-DUTY ASPHALT	
GRASS	

LEGEND

FINISHED FLOOR ELEVATION	FFE
TOP OF FOUNDATION ELEVATION	TFE
FINISHED GARAGE FLOOR ELEVATION	FGF
BASEMENT FLOOR ELEVATION	BFE
UNDERSIDE FOOTING ELEVATION	UFE
RAIN WATER LEADER	RWL
LIGHT STANDARD	LS
CATCHBASIN	CB
MANHOLE	MH
HYDRO POLE	HP
FIRE HYDRANT	
GAS VALVE	GV
STANDARD IRON BAR	SIB
IRON BAR	IB
PROPERTY LINE	
BARRIER-FREE PARKING SPACE	
PERSONNEL DOOR	
OVERHEAD DOOR	
SILT FENCE	
FENCE, HEIGHT AND MATERIAL AS NOTED ON PLAN	
DITCH	
SWALE	
EXISTING ELEVATIONS	000.00

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS.
2. ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR.
3. ANY ERRORS / OMISSIONS TO BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
4. 2% SLOPE AWAY FROM DWELLING FOR MIN. 1.0m AS PER HCDC SEC. L2.0, PARAGRAPH 9
5. ROOF RAIN WATER LEADERS ARE TO DISCHARGE DIRECTLY TO THE GROUND ON SPLASH PADS UNLESS OTHERWISE NOTED. AS PER DETAIL "11A"
6. A 1.0m STRIP SHALL BE LEFT UNDISTURBED ALONG THE BOUNDARIES ABUTTING ADJACENT PROPERTIES.
7. ALL WORK TO CONFORM TO O.B.C. 2012
8. BEFORE STARTING WORK THE CONTRACTOR SHALL DETERMINE THE POSITION OF THE POLE LINES, WATER MAINS AND OTHER OVERHEAD AND UNDERGROUND UTILITIES AND STRUCTURES AND ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
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DEVELOPER/CONTRACTOR NOTES:

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13. SEE HCDC L6.01, WHEN EARTH CUTS & FILL IN EXCESS OF 0.5m ARE REQUIRED.
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16. IF APPLICABLE: DEVELOPER/CONTRACTOR MUST OBTAIN "ROAD EXCAVATION PERMIT" THROUGH HALDIMAND COUNTY ROADS OPERATIONS DIVISION (905-318-5932 x 8601)

WATER MAIN
STORM WATER LINE
SANITARY LINE
ACCESSIBLE ENTRANCE

RUDI ROLSMA
"NEW AMSTERDAM PUB"
223 QUEEN ST.,
DUNNVILLE, ON.
N1A 1H8

905-515-4227
rwrolsma@xplornet.ca

ROLL # : 0240-021-930-00000
LEGAL1 PLAN 69 PT LOT 7 RP 18R6065
LEGAL2 PARTS 2 AND 3 RP 18R6068
LEGAL3 55.19.00SF 33.00FR 167.24D

(PARKING SPACE DIMENSIONS)
(HALDIMAND BY-LAW # HC 1-2020, SEC. 5)

PARKING DETAILS
SCALE: 1:150

CROSS-SECTION - PROPOSED HARDSCAPES
SCALE: N.T.S

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

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REGISTERED PROFESSIONAL ENGINEER
D. V. CLANEY
PROVINCE OF ONTARIO

SCALE 1:250 METRES 0 5 10

KEY PLAN
CENTRE LANE (ALLEY)
CHESTNUT ST.
SITE
QUEEN ST.
MAPLE ST.

THIS DRAINAGE PLAN WAS PREPARED FROM SURVEY INFORMATION OBTAINED FROM:
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EAST, UNIT B
DUNNVILLE, ONTARIO N1A 2X1
TEL. (905) 774-7188
SURVEY No. 20-344

#	PURPOSE OF ISSUE	DATE OF ISSUE	BY
2	REV'D PARKING	FEB. 20 / 23	BB
1	S.S. SCHEDULE "C"	AUG 9/22	MD

RUDI ROLSMA

DRAINAGE PLAN

223 QUEEN ST.
DUNNVILLE, ON.
N1A 1H8

DRAWING
SITE SERVICE & PARKING PLAN

AS NOTED | FILE NO. R2-20-56

DRAWING FILE
DRAINAGE:2020\SURVEY - RUDI ROLSMA - R2-20-56.dwg

DRAWN BY B. BENNETT
START DATE DEC. 21, 2020
SHEET 3 OF 4
DRAWING NUMBER C-3

Haldimand County
Committee of Adjustment
Minor Variance

Meeting Date:	April 18, 2023
File Number:	PLA-2023-036
Property Roll Number:	2810-152-003-01950-0000
Applicant:	Kaleb Weaver
Agent:	Barry Weaver
Property Location:	SEN TRACT NELLES WARNER PT LOT 9 Known Municipally as 2489 Haldimand Road 9

Recommendation

That application PLA-2023-036 be approved subject to the following conditions:

1. **Partial Lot Grading Plan**

   Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6253 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.

2. **Entrance permit required**

   Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. 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.

The application meets the four tests of a minor variance.

Details of the Submission

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

Development Standard(s)	Required	Proposed	Deficiency
Distance to Principle Dwelling	Within 30 metres (98.43 ft)	110 metres (360.89 ft)	80 metres (262.47 ft)

The relief is requested to permit the construction of a secondary dwelling further away from the principle dwelling on the property.

Site Features and Land Use: The subject lands are located in the geographic township of Seneca and front onto the north side of Haldimand Road 9. The site contains a single detached dwelling. A large portion of the lot is woodland and the surrounding land uses are agricultural in nature.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Sewage system must be a class 4 septic system and must meet the appropriate OBC clearances. Structure should be a minimum horizontal distance of 4.8 meters from overhead power lines. Front yard setback shall be a minimum of 13 meters from front property line (not measured from road).

Haldimand County Planning & Development Services – Development & Design Technologist: Partial Lot Grading for the proposed second dwelling; Entrance Permit for the proposed secondary dwelling; a culvert might be needed.

Haldimand County Emergency Services: No concerns at this time.

.

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

Niagara Peninsula Conservation Authority: No comment.

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 property is designated Agricultural in the Haldimand County Official Plan. Secondary Suites are a permitted use in the Agricultural designation.

   According to 5(O) of the official plan, Secondary Suites, where permitted in the OP will be subject to the following criteria and the regulations of the Zoning-By-law:

   a) The unit is clearly subordinate to the primary residential unit in the dwelling;
   b) Adequate on-site parking for both residential units is provided;
   c) Adequate servicing capacity exists;
   d) The secondary suite complies with Provincial building and fire code requirements; and
   e) The exterior appearance of the dwelling is not significantly altered to accommodate the unit.

   It is the opinion of Planning staff that the 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 property is zoned Agricultural (A), and Secondary Suites are permitted uses in the A zone. The subject application is seeking relief to permit the construction of a secondary suite more than 30 metres (98.43 ft) away from the principle dwelling. Building the secondary dwelling within 30 metres (98.43 ft) will require the removal of a significant amount of woodland; as such, it is more desirable for the secondary dwelling to be built further away from the principle dwelling and away from the woodlands.

   It is the opinion of Planning staff that the 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 construct a secondary suite in the lot. The construction of the secondary suite will not negatively impact the surrounding properties. The development will create additional housing stock which is supported by the PPS and the OP.

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

4. Is the application minor?

   Planning staff comment: For the reasons outlined above, it is the opinion of Planning staff that the subject application is minor.

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

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on March 17, 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:

_____

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-2023-036 APPLICANT: Weaver

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

Haldimand County

Location:

2489 HALDIMAND ROAD 9
GEOGRAPHIC TOWNSHIP OF SENECA
WARD 4

Legal Description:

SEN TRACT NELLES WARNER PT LOT 9

Property Assessment Number:

2810 152 003 01950 0000

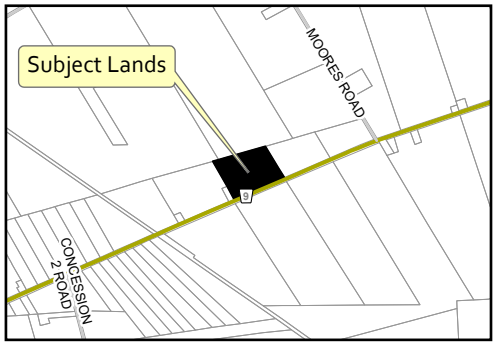
Size:

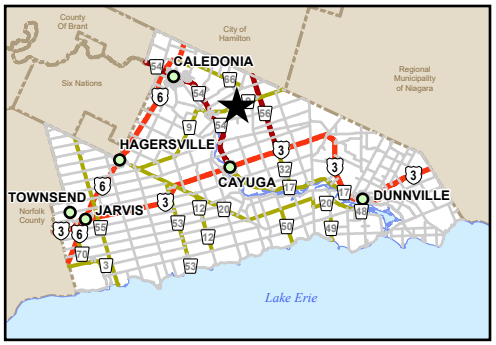
21.31 Acres

Zoning:

A (Agricultural) & NPCA Regulated Lands

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

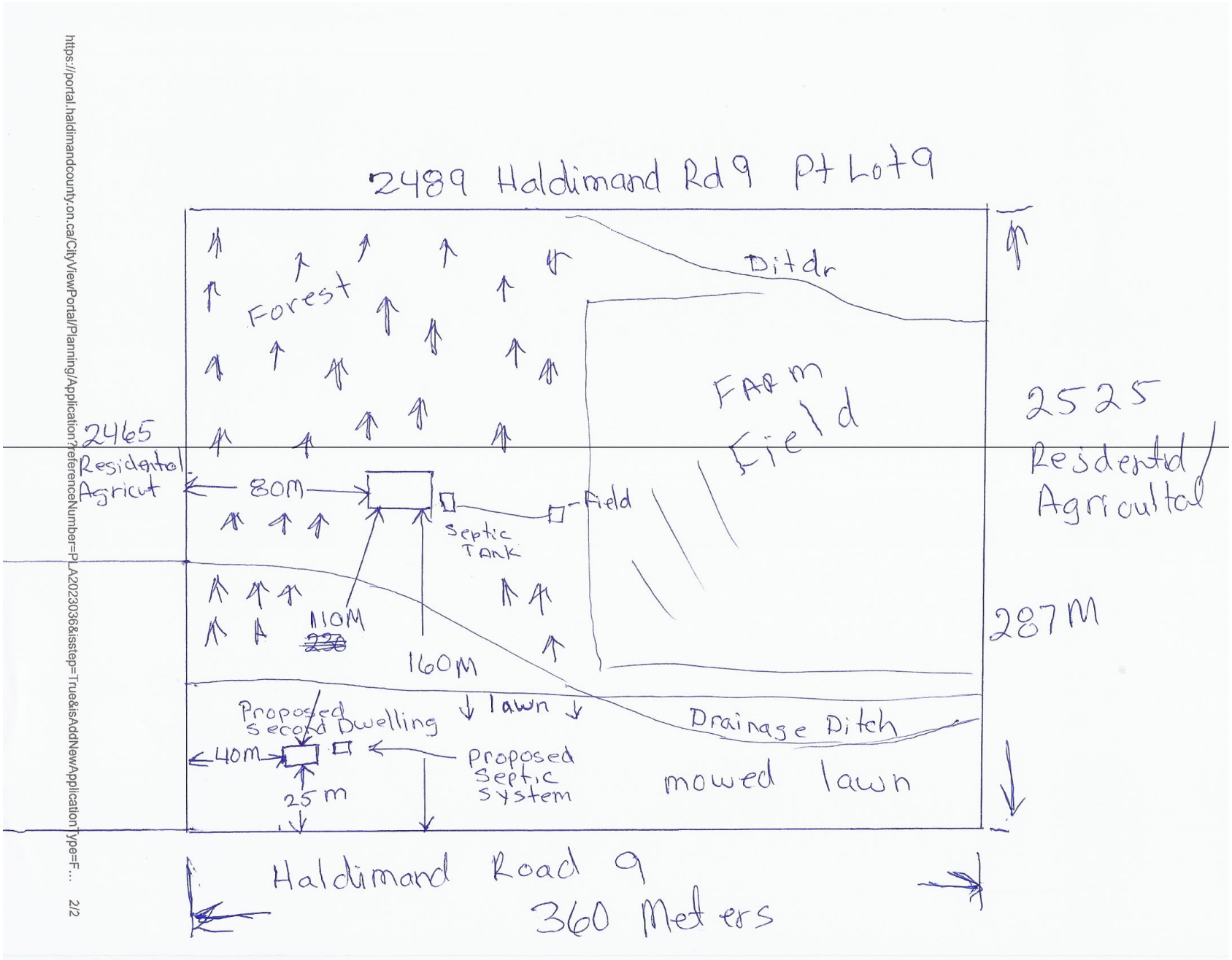




PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

Path: T:\Planning and Economic Development\PD\GIS\Applications\2023\PLA\PLA-2023-036 (Weaver)\PLA2023036\PLA2023036.aprx

Owner's Sketch FILE #PLA-2023-036 APPLICANT: Weaver



https://portal.haldimandcounty.on.ca/CityViewPortal/Planning/Application?referenceNumber=PLA2023036&isstep=True&isAddNewApplicationType=F... 2/2

Haldimand County
Committee of Adjustment
Consent

Meeting Date: April 18, 2023

File Number: PLB-2022-013

Property Roll Number: 2810-332-008-35800-0000

Applicant: GVD Farms Inc.

Agent: Adam Moote, LandPro Planning Solutions

Property Location: 3866 Rainham Rd

Recommendation

That application PLB-2023-013 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

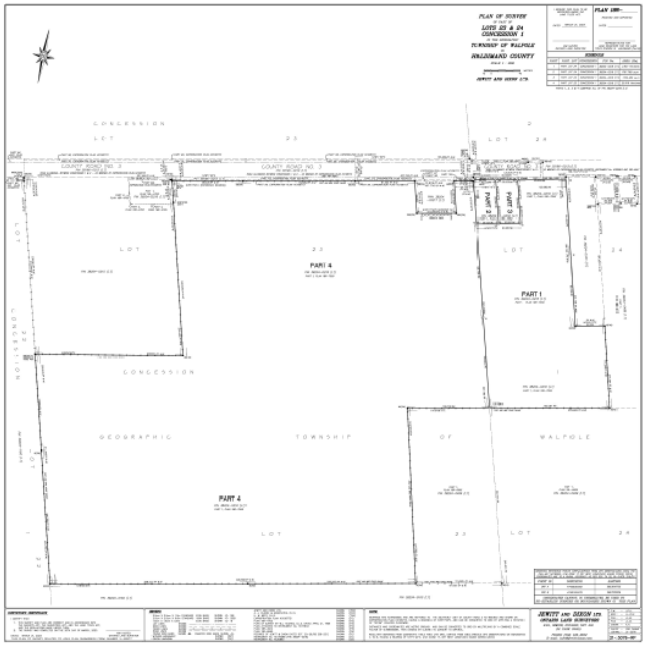
Details of the Submission

Proposal: This application, along with PLB-2022-11 and PLB-2022-12, were previously heard at the April 12, 2022 Committee of Adjustment meeting. PLB-2022-11 and PLB-2022-12 were approved creating Parts 2 and 3 as shown on the following sketches. PLB-2022-013 was deferred.

PLB-2022-013 has been amended, and proposes severing the eastern portion of the subject lands shown as Part 1 on the following sketches. The severed lot (Part 1) would have approximately 65.9 m frontage on the south side of Main Street West (Rainham Road) and an area of approximately 3.937 ha.

The retained lot is of irregular shape having approximately 355 m of frontage on the south side of Main Street West (Rainham Road) and is shown as Part 4 on “Owners Sketch 1 of 2” below. The proposed retained lot would have an area of approximately 25.619 ha.

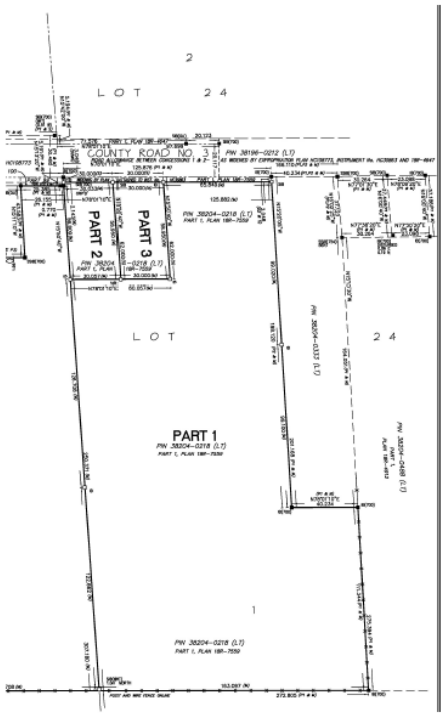
Owner's Sketch 1of2 FILE #PLB-2022-013 APPLICANT: GVD Farms Ltd.



PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

Path: T:\Planning and Economic Development\PDNGIS\Applications\2022\PLB\PLB-2022-011 012 and 013 (GVD Farms)\NEW SUBMISSION (April 2023)\PLB2022013\PLB2022013.aprx

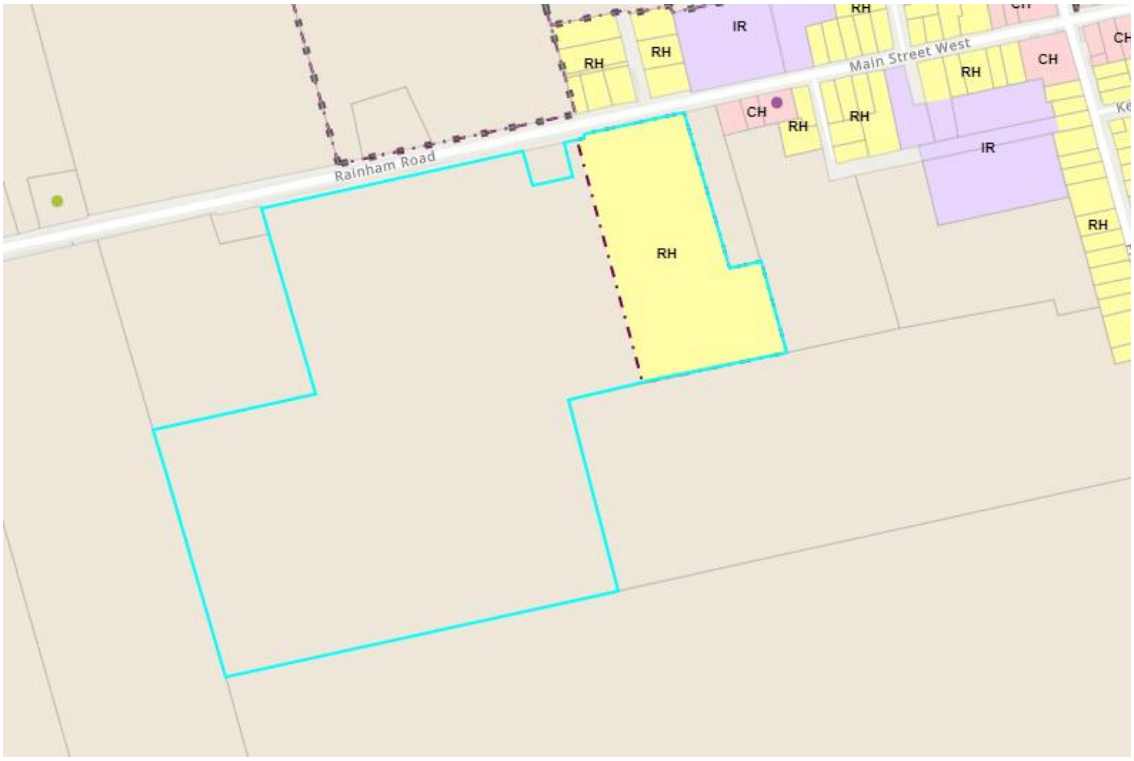
Owner's Sketch 2of2 FILE #PLB-2022-013 APPLICANT: GVD Farms Ltd.



PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

Path: T:\Planning and Economic Development\PDNGIS\Applications\2022\PLB\PLB-2022-011 012 and 013 (GVD Farms)\NEW SUBMISSION (April 2023)\PLB2022013\PLB2022013.aprx

Site Features and Land Use: The subject lands (outlined in light blue on the clip from the County's GIS mapping below), approximately 30 ha in area, have frontage on the south side of Main Street West (Rainham Road) and are currently under active agricultural production. The majority of the subject lands, zoned Agriculture (shaded beige in the GIS clip below), are located just outside the hamlet boundary of Selkirk. The portion of the subject lands proposed to be severed through this application are located at the eastern end of the subject property within the Selkirk hamlet boundary, and are zoned Hamlet Residential (RH – shaded yellow in the GIS clip below). A drainage feature is present on the property accommodating stormwater that flows through a culvert under Main Street West from the lands to the north. The surrounding land uses are residential and agricultural in nature.



Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Zoning is RH (Hamlet Residential) setbacks to be followed. Septic Evaluation for any properties with proposed dwelling required. Lot Grading required. 2 severed lots at Main St. will become corner lots with Exterior Side Yards for setbacks for future development. Lots seem to be larger than Min. Lot Area required.

Haldimand County Planning & Development – Development Technologist: Full Lot Grading Plan Required, Entrance Permit required for the severed lots, culvert required

Haldimand County Emergency Services: No Comment

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 PPS states that settlement areas, such as Selkirk, shall be to focus of growth and development and their vitality and regeneration shall be promoted. While the PPS promotes development within settlement areas, any such development must be consistent with the policies of the PPS.

Section 1.1.3,2 a) states, “Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources;”

Section 1.1.3.7 b) states, “Planning authorities should establish and implement phasing polices to ensure: the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.”

Section 1.6.6.7 requires the municipality plan for stormwater management and “ensure that systems are optimized, feasible and financially viable over the long term.”

This application for consent seeks to sever seeks to create one new lot (Part 1 as shown on the Applicants sketches) located within the hamlet area boundary. No concerns were raised by circulated agencies or the public.

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

A Place to Grow, 2020

The policies of A Place to Grow generally echo those of the PPS.

Section 2.2.1 directs development to settlement areas, such as Selkirk, in line with the PPS polices above.

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

Haldimand County Official Plan (OP)

The subject lands are designated Hamlet and Agricultural in the County OP. The portion of the subject lands located within the Selkirk hamlet boundary are designated Hamlet. That portion of the subject land located outside the hamlet areas boundary are designated Agricultural. This application proposes to sever the portion of the subject property located within the hamlet area boundary from the remainder of the subject lands designated Agricultural.

OP Policy H. 2. states, “The division of land is encouraged to proceed by plan of subdivision; however, where the Committee of Adjustment deems that the subdivision process is unnecessary for the proper and orderly development of the community, the creation of new lots may proceed by consent in accordance with the relevant policies of this Plan. Generally, new lot creation by consent shall be guided by the following:

a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;

c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard

because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

d) Not more than five lots are being created."

Planning Comment: One lot is proposed to be created through the consent process. Staff are satisfied that the proposed severed parcel "Part 1" is located within the Selkirk Settlement Area Boundary, is designated Hamlet on Schedule "C.18" of the Haldimand County Official Plan. Staff are also satisfied that the lot is of an appropriate size, and has frontage on an existing public road that is in a reasonable standard of construction. No concerns were raised with respect to potential traffic hazards.

It is the opinion of Planning staff that the subject application complies with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agriculture (A)' and 'Hamlet Residential (RH)' in the Haldimand County Zoning By-law. The application proposes that the lands zoned RH be severed from the lands zoned A, so they may be developed separately. The lands zoned RH are appropriately zoned for future residential development.

The proposed severed and retained lots will comply with the minimum required lot area (1,855 square metres) and frontage (30 metres) for the RH and A zone.

The subject application complies with the Haldimand County 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 March 20.

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:

_____

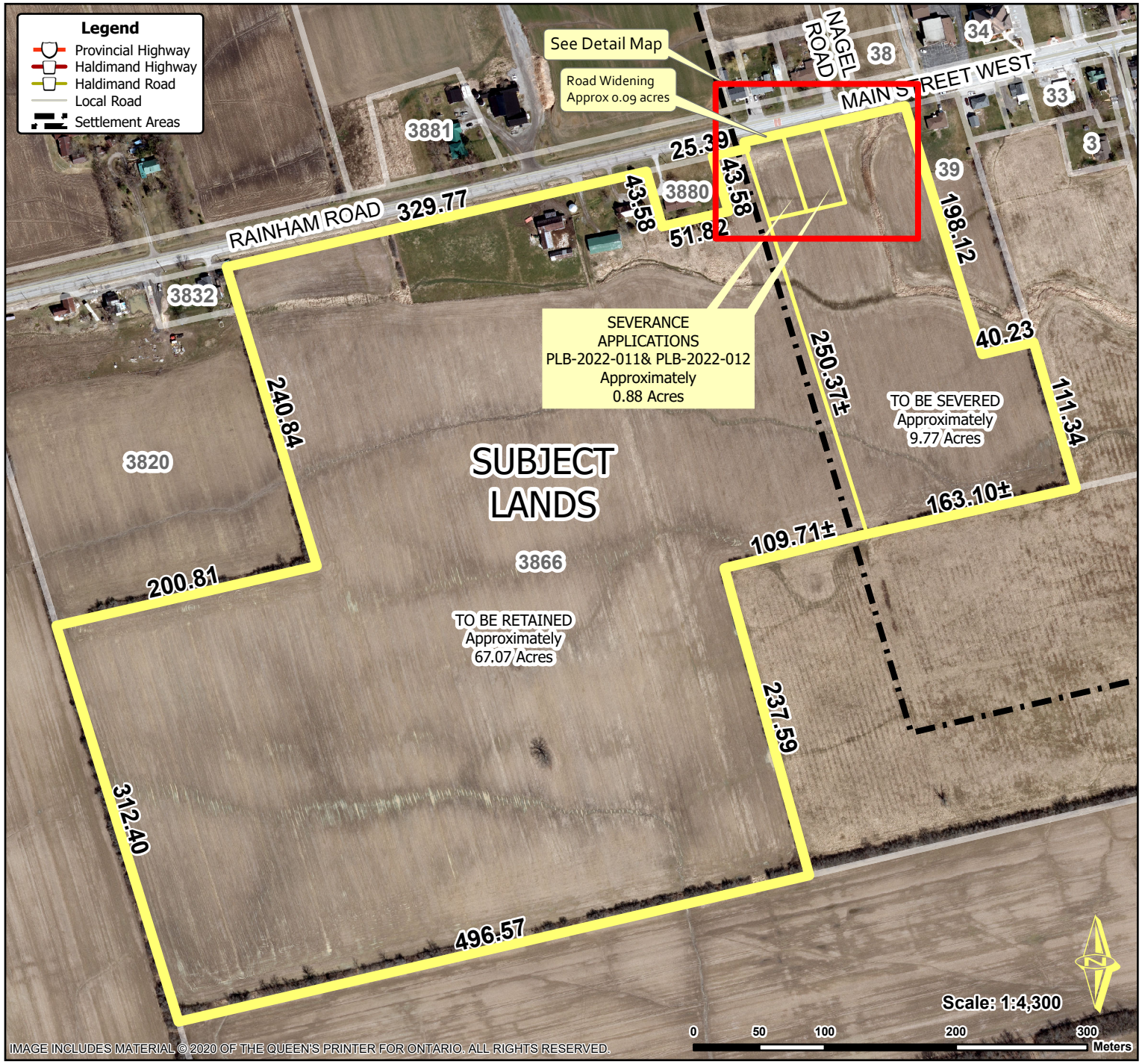
John Douglas, MCIP, RPP
Senior Planner
905-318-5932 ext. 6252

Reviewed by:

_____

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

Location Map FILE #PLB-2022-013 APPLICANT: GVD Farms Ltd.



Haldimand County

Location:

3866 RAINHAM ROAD
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1

Legal Description:

WAL CON 1 PT LOT 23 PT LOT 24

Property Assessment Number:

2810 332 008 35800 0000

Size:

77.81 Acres

Zoning:

A (Agriculture)

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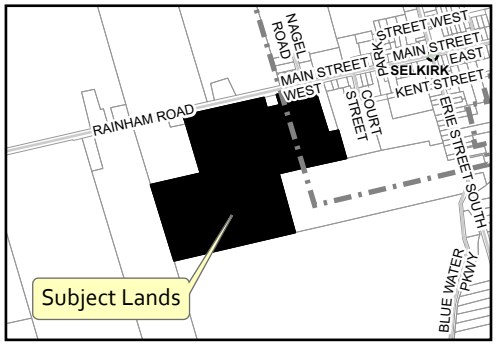
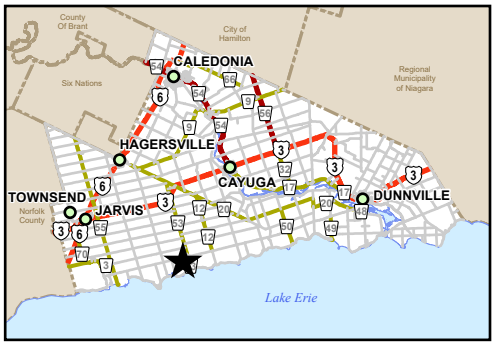
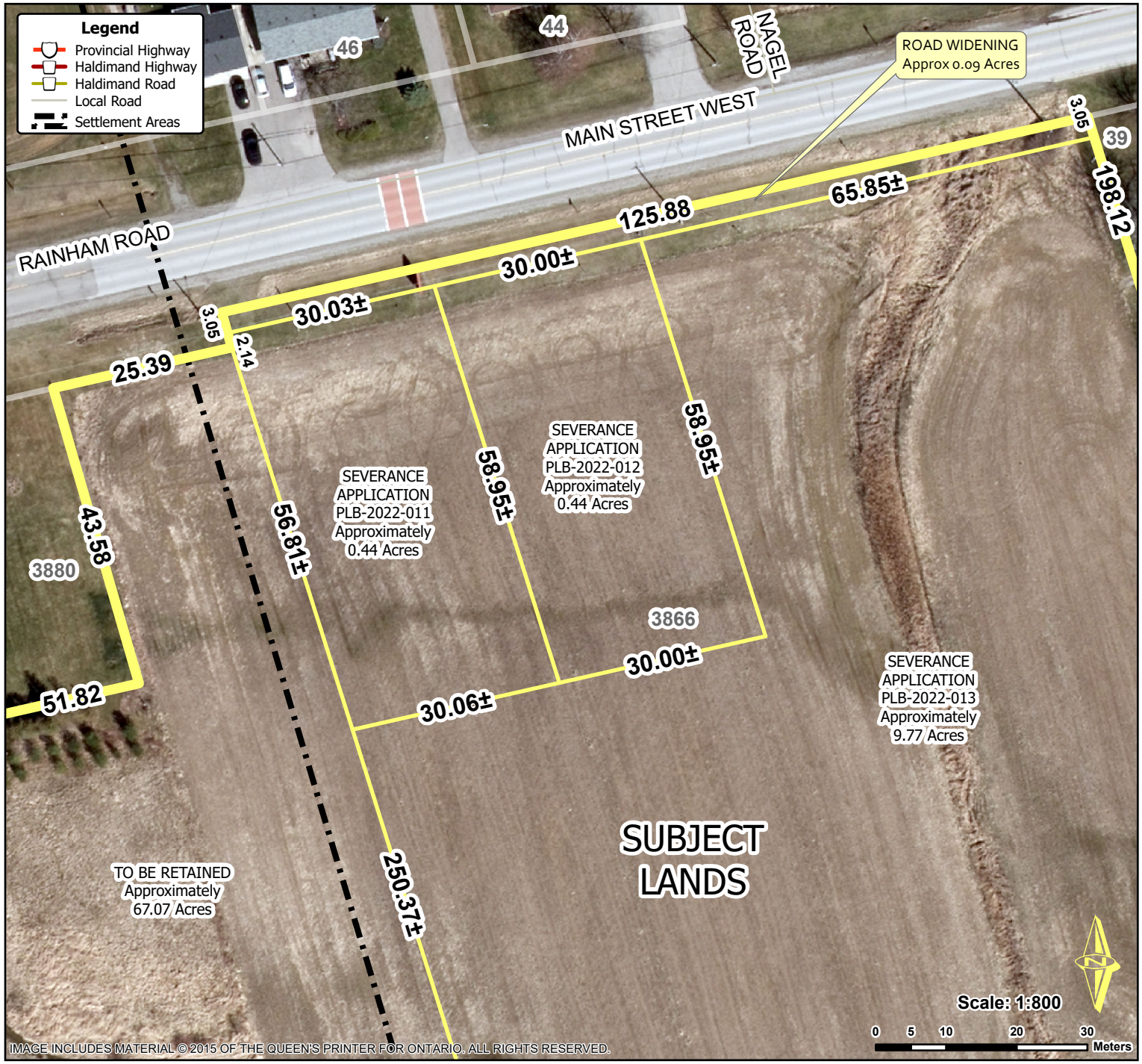




PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Mar 2023

Path: T:\Planning and Economic Development\PD\GIS\Applications\2022\PLB\PLB-2022-011 012 and 013 (GVD Farms)\NEW SUBMISSION (April 2023)\PLB2022013\PLB2022013.aprx

Detail Map FILE #PLB-2022-013 APPLICANT: GVD Farms Ltd.



Haldimand County

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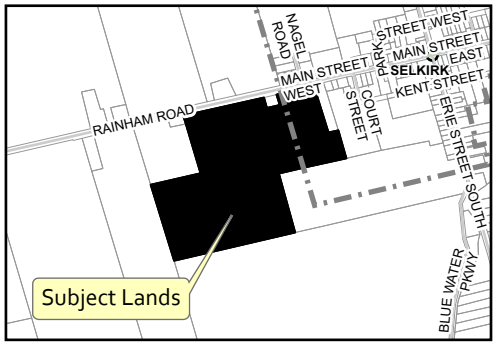

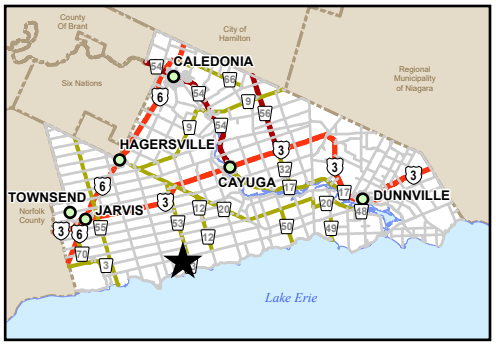

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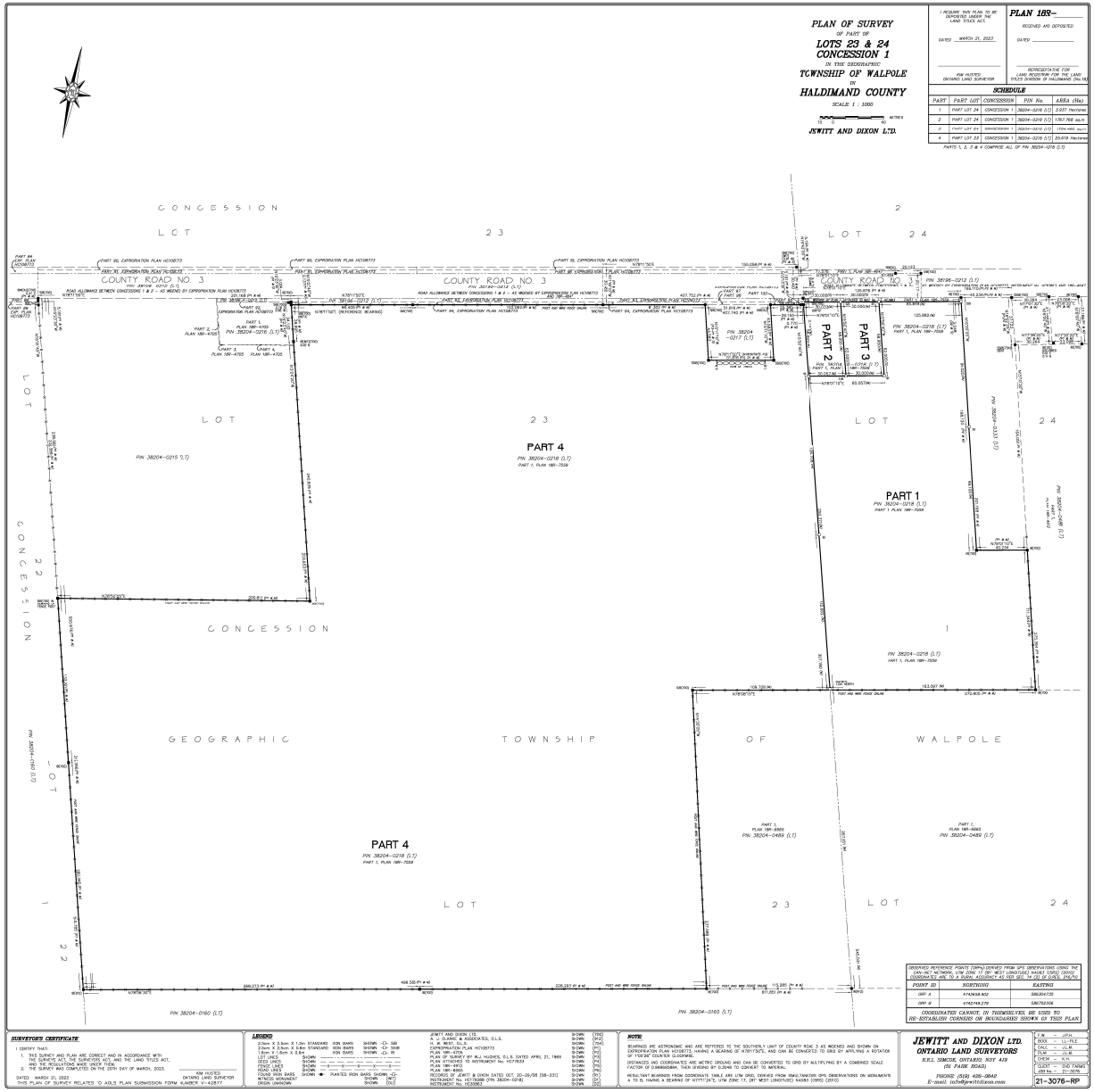
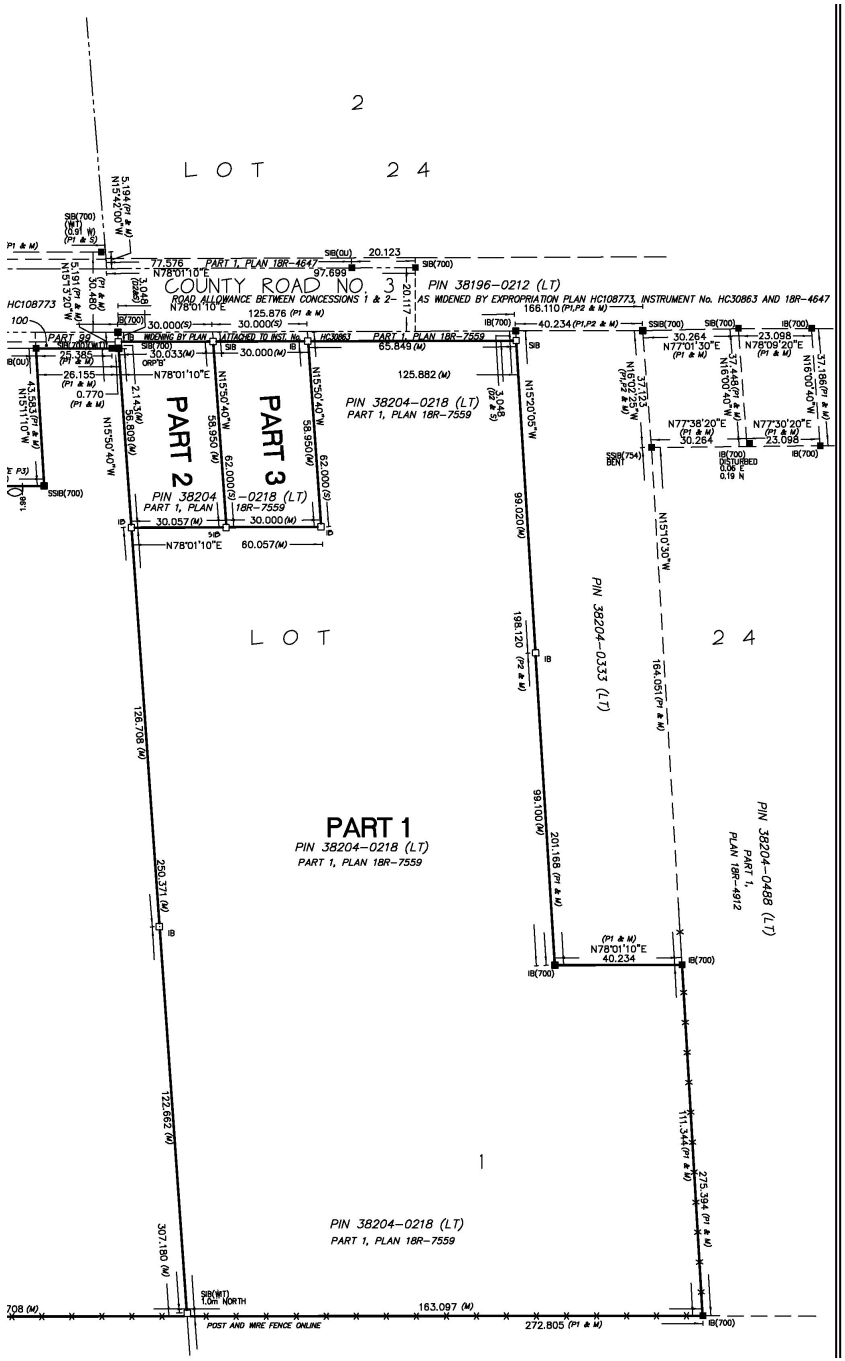
Owner's Sketch 1of2 FILE #PLB-2022-013 APPLICANT: GVD Farms Ltd.



Owner's Sketch 2of2 FILE #PLB-2022-013 APPLICANT: GVD Farms Ltd.



Haldimand County

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April 18, 2023

MEMORANDUM

File No.:	PLB-2022-138
TO:	Committee of Adjustment
FROM:	John Douglas, Senior Planner
SUBJECT:	Change of condition for an approved consent
LOCATION:	South of Talbot Road, West of the Grand River, East Part of Park Lot 3, Registered Plan 18R7268 Parts 2 and 3, Geographic Township of North Cayuga, known municipally as 4886 & 4892 Highway 3

Committee of Adjustment Chair and Members,

The applicants for PLB-2022-138 have requested a change of condition. The applicants wish to amend condition 4 requiring “Receipt of final approval of the required official plan amendment and zoning amendment (Both Official Plan Amendments and Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible).” The applicant’s agent is requesting that the requirement for an Official Plan Amendment and a Zoning By-law Amendment be removed from Condition 4, and proposes instead that a Minor Variance application be submitted to address lot frontage and lot area.

The subject application was first heard by Committee on October 18, 2022 where the application was approved. Planning staff recommended refusal of this application, and remain of the opinion that the proposed severance is not consistent with the policies of the Provincial Policy Statement or A Place to Grow, and does not conform to the Haldimand County Official Plan or Zoning By-law. Planning staff opine that an application for Minor Variance would not be a viable alternative solution. One of the four tests for a Minor Variance set out under S.45(1) of the Planning Act, requires that an application must maintain the general intent and purpose of the Official Plan. The Committee added the requirement for an Official Plan Amendment and Zoning Bylaw Amendment in Condition 4 to address the fact that the proposed consent does not conform with the policies of the Official Plan or the standards of the Zoning By-law. Staff further note that a Minor Variance can only grant relief from standards of the Zoning By-law, not the policies of the Official Plan. Staff recommend refusal of the request for a change of condition.

Attached to this memo is the staff report, including conditions, from October 18, 2022. An updated public notice sign was posted on the subject property.

Regards,

_____
John Douglas, MCIP, RPP
Senior Planner
Planning & Development Division

Haldimand County
Committee of Adjustment
Consent

Meeting Date: October 18, 2022

File Number: PLB-2022-138

Property Roll Number: 2810-155-001-12500 and 2810-155-001-12600

Applicant: John & Jenny Medeiros

Agent: J. Brian Gallagher

Property Location: South of Talbot Road, West of the Grand River, East Part of Park Lot 3, Registered Plan 18R7268 Parts 2 and 3, Geographic Township of North Cayuga, known municipally as 4886 & 4892 Highway 3

Recommendation

That application PLB-2022-138 be refused. The application is not consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and does not conform to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever a lot that merged on title with a neighbouring property. The severed lands will have a frontage of approximately 20 metres (65.6 feet) and contain an area of approximately 0.14 hectares (0.35 acres). The retained parcel will contain an area of approximately 5.14 hectares (12.7 acres).

Site Features and Land Use: The subject lands are located in the geographic township of North Cayuga and front onto the south side Highway 3. The proposed retained lands currently contain a dwelling and related accessory structure. The proposed severed lands are currently vacant.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Both properties require a class 4 septic system to service the main use. Confirmation required through a structural addition evaluation form (not a letter). Survey with Septic System design to be added to confirm that smaller property (0.14 ha, 0.346 acres) can adequately be serviced by septic system. Ontario Ministry of Transportation approvals required.

Haldimand County Planning & Development – Development Technologist: Full Lot Grading Plan required prior to completion of consent.

Haldimand County Emergency Services: No comments received.

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

Ministry of Transportation: No comments received.

Hydro One: No objections with the proposed severance.

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 located in a prime agricultural area as defined in the PPS. Section 2.3.1 of the PPS states that, "Prime agricultural areas shall be protected for the long-term use for agriculture." Section 2.3.4 outlines the polices for lot creation and lot adjustments in prime agricultural areas. Specifically, 2.3.4.1 states:

> Lot creation in prime agricultural areas is discouraged and may only be permitted for:
>
> a) Agricultural uses, provided the lots are of a size appropriate for the types of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations;

Planning Comment: The subject application will not facilitate agricultural uses and the severed lot is not a sufficient size to establish a common agricultural use or maintain ongoing flexibility.

b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
Planning Comment: The subject application will not facilitate an agriculture-related use.

c) A residence surplus to a farming operation as a result of farm consolidation provided that:
    1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
    2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and

Planning Comment: The subject application does represent a surplus farm dwelling severance. The application is seeking to sever a vacant lot.

d) Infrastructure where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
Planning Comment: The subject application will not accommodate infrastructure.

The PPS does not permit lot creation in prime agricultural areas beyond the scenarios listed above. Further, 2.3.4.3 states, “The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(C).” The subject application would result in the creation of a vacant residential building lot in a prime agricultural area.

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

A Place to Grow, 2020

A Place to Grow does not provide specific criteria for lot creation within prime agricultural areas. However, the Growth Plan, does speak to supporting an Agricultural

System including protection for long term use as agriculture and limiting the fragmentation of the existing agricultural land base.

It is the opinion of Planning staff that the subject application is not consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designate “Agricultural” in the OP. The OP builds on the lot creation polices found in the PPS. Section 5.H.3 states;

> Generally consent to sever land in the Agricultural designation may be considered in the accordance with the following criteria:
>
> a) The parcel to be severed and the parcel to be retained are both for agricultural use and are minimum 40 hectares in size;
> **Planning Comment:** The proposed severed and retained lots are less than the minimum required 40 hectares.
>
> b) Severance for individual, small-scale agriculturally-related uses may be permitted provided that the severance of these uses meet MDS requirements, does not form strip development and the size of the parcel is limited to the amount of land specifically required for the use.
> **Planning Comment:** The subject application is for residential development, not an agriculturally-related use.
>
> c) Severances for legal or technical reasons, including minor boundary adjustments, easements or rights of way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm.
> **Planning Comment:** The OP defines legal or technical reasons in line with the PPS and require that no new lot is created. The subject application will result in the creation of a new lot.

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

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned “Agriculture (A)” in the zoning by-law. The “A” zone requires a minimum frontage of 30 metres and area of 1,855 square metres (0.45 acres). The proposed severed lot does not meet the minimum lot size with a proposed frontage of 19 metres and area of 1375.9 square metres (0.34 acres). Should the

application be approved, a subsequent Planning application will be required as a condition of consent to address the deficiencies.

Notice Sign, Public Consultation, and Applicant Discussion

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

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

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

Prepared by:

_____

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

Reviewed by:

_____

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

IF <u>APPROVED</u>, 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 **<u>submitted to the Secretary-Treasurer</u>**, 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. Subject to the approval and permitting from the Ontario Ministry of Transportation (MTO).

4. Receipt of final approval of the required official plan amendment and zoning amendment (Both Official Plan Amendments and Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.

5. 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.

6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.

7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.14 hectares (0.35 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 18, 2024, after which time this consent will lapse.

FILE NO.: PLB-2022-138
MEDEIROS, John & Jenny
Assessment Roll #: 2810.155.001.12500 and 2810.155.001.12600

Location Map FILE #PLB-2022-138 APPLICANT: Medeiros

Haldimand County

Location:
4886 & 4892 HIGHWAY 3
GEOGRAPHIC TOWNSHIP OF
NORTH CAYUGA
WARD 4

Legal Description:
NORTH CAYUGA SSTR PARK LOT 3 RP 18R7268 PARTS 2 AND 3 & NORTH CAYUGA PT PARK LOT 3 N MCDONALD ST PT MCDONALD ST W GRAND RIVER AND RP 18R6972 PART 3

Property Assessment Number:
2810 155 001 12500 0000 &
2810 155 001 12600 0000

Size:
13.25 Acres

Zoning:
A (Agriculture)

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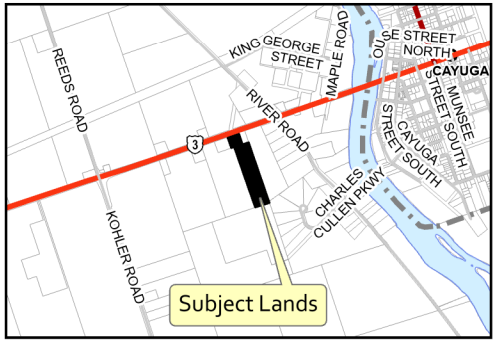

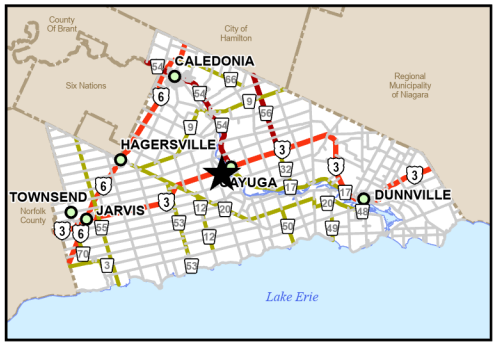

PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, GIS & GRAPHICS SECTION. Sep 2022

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Owner's Sketch 1 of 2 FILE #PLB-2022-138 APPLICANT: Medeiros

Haldimand County

John & Jenny Medeiros – Severance Application

#4892 Property – 12.83 acres

THIS IS EXHIBIT F
to the affidavit of
SWORN:

PROPERTY LINE

RETAINED

PROPERTY LINE

SEVERED

9m width
BRICK BARN
Height 7m 30

18m long

5M

END OF
PROPERTY TO
BE SEVERED

PROPERTY LINE

SEPTIC BED 17m 30

ASPHALT DRIVEWAY 80m FROM PROPERTY LINE

SEPTIC
TANK

35 m BETWEEN HOUSE & BARN

73 M

#4886

1 STORY HOUSE
1600 SQ. FT.

DEMOLISHED
HOME
FOOTPRINT

ADJOINING LANDS
#4898

EXISTING ENTRANCE

#4892

FRONTAGE
17 m

19 m

EXISTISTING
DRIVEWAY

DRAINAGE DITCH

10 m

DRAINAGE DITCH

HIGHWAY #3 (WEST) CAYUGA

EXISTING CULVERT

PREPARED BY HALDIMAND COUNTY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT,
GIS & GRAPHICS SECTION. Sep 2022

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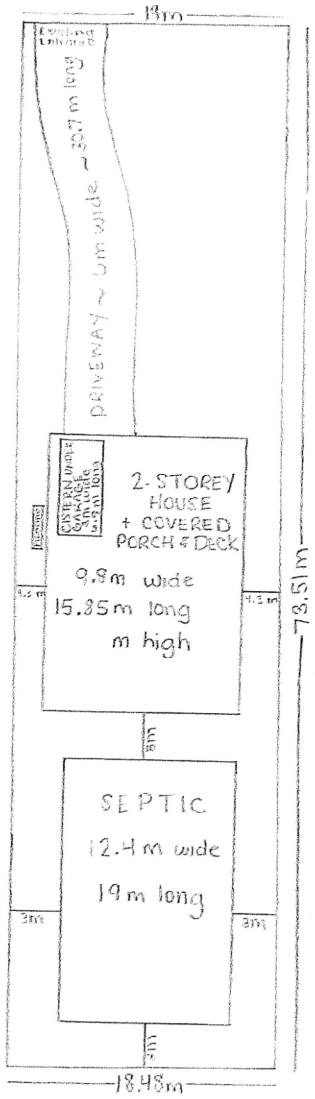
Owner's Sketch 2 of 2 FILE #PLB-2022-138 APPLICANT: Medeiros

4886 Hwy 3
Lot Plan



Haldimand County