



Haldimand County Committee of Adjustment Consent

Meeting Date: October 17, 2023

File Number: PLB-2023-125

Property Roll Number: 2810-332-002-71500

Applicant: Huigen Bros. Dairy Farm Ltd.

Property Location: Concession 1, Part Lot 15, Registered Plan 18R4717 Part 1, Geographic Township of Walpole, known municipally as 3246 Rainham Road

Recommendation

That application PLB-2023-125 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 structures. The severed lands will have a frontage of approximately 50 metres (164 feet) and will contain an area of 0.59 hectares (1.46 acres). The retained parcel will contain an area of approximately 39.7 hectares (98.15 acres).

Site Features and Land Use: The subject lands are located in the geographic township of Walpole and front onto the south side of Rainham Road. The site contains a single detached dwelling, a small detached garage and a storage structure. The surrounding land uses are agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

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

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

Haldimand County Emergency Services: No comments received.

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

Long Point Region Conservation Authority: No comments received.

Hydro One: No comments or concerns.

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 'Agricultural' 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 the PPS while 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 1950. 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 (1 acre to 1.5 acres) 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 0.59 hectare (1.46 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 on-site 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. 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 Rainham 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 September 7, 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.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 50 metres (164 feet), and an area of 0.59 hectares (1.46 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 draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

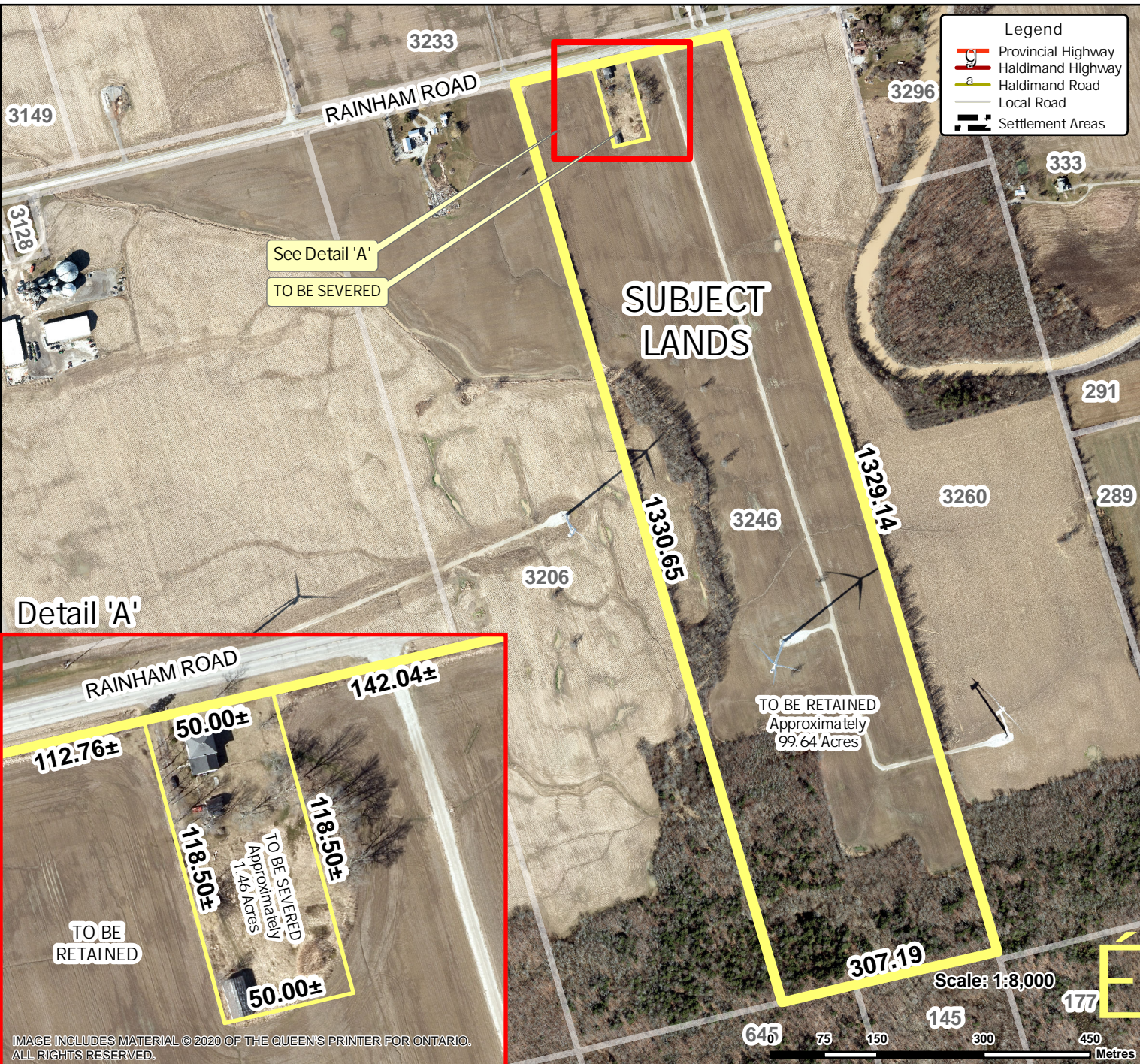
4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 17, 2025, after which time this consent will lapse.

File No. PLB-2023-125

HUIGEN BROS. DAIRY FARM LTD.

Assessment Roll No. 2810-332-002-71500

Location Map FILE #PLB-2023-125 APPLICANT: Huigen Bros Farms Ltd.



Location:

**3246 RAINHAM ROAD
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

**WALPOLE CON 1 PT LOT 15 RP 18R4717
PART 1**

Property Assessment Number:

2810 332 002 71500 0000

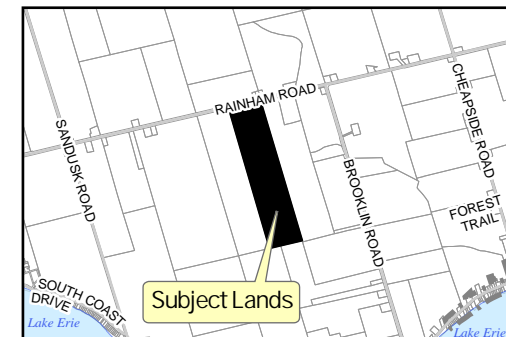
Size:

101.1 Acres (MPAC)

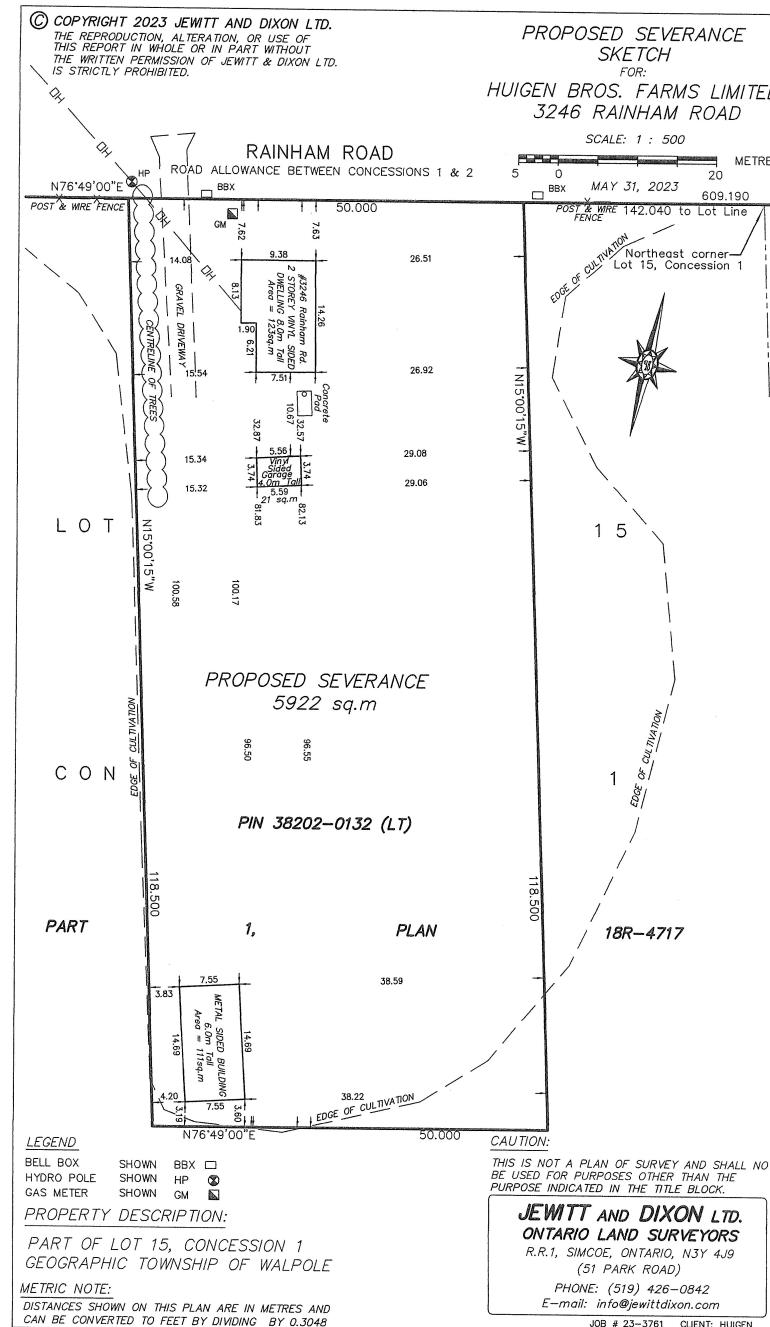
Zoning:

A (Agriculture) & LPRCA Regulated Lands

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



Owner's Sketch FILE #PLB-2023-125 APPLICANT: Huigen Bros Farms Ltd.





Haldimand County Committee of Adjustment Consent

Meeting Date: October 17, 2023

File Number: PLB-2023-134

Property Roll Number: 2810-332-005-01580

Applicant: Maxine, Barbara and Lorraine Montague

Agent: Eric Montague

Property Location: Concession 8, Part Lots 9-12, Registered Plan 37R5365
Parts 1-4, Registered Plan 37R5364 Parts 1-4, Geographic
Township of Walpole, no civic address

Recommendation

That application PLB-2023-134 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: This application was originally approved at the August 17, 2021 Committee of Adjustment meeting, but the approval has lapsed. The application proposes to sever a parcel of approximately 2.43 hectare (6.02 acre) of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 2471 Highway 3 (Roll Number 2810.332.005.02500) to add property to the benefitting lands.

Site Features and Land Use: The subject lands are a former rail line with frontage on Sandusk Road. The property is located at the corner of Sandusk Road and Concession 8 Walpole extending away from the intersection behind the lands fronting on Concession 8 Walpole. The lands are currently vacant, made up of a mix of treed areas and open lands. Surrounding land uses are generally agricultural in nature, with some rural residential uses.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Lot of record even if severed. Phase 1 & 2 Soil Reports required. Septic System and dwelling locations site plan required.

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

Haldimand County Emergency Services: No comments received.

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

Long Point Region Conservation Authority: 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 Provincial Policy Statement (PPS) regulates lot adjustments in Prime Agricultural Areas under section 2.3.4. Specifically, section 2.3.4.2 states, “Lot adjustments in Prime Agricultural Areas may be permitted for legal or technical reasons”. The PPS definition for “legal or technical reasons” includes minor boundary adjustments that do not result in a new lot. The proposed boundary adjustment will connect two parcels of land that are currently bisected by the former rail line and will provide access to the lands to the south from Concession 8 Walpole. The subject application will not result in the creation of a new lot.

The subject application is consistent with policies of the PPS.

A Place to Grow, 2020

A Place to Grow does not provide any guidance on minor boundary adjustments in Prime Agricultural Areas. As such, the proposal is consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The Haldimand County Official Plan reflects the policies of the PPS and permits severances for legal and technical reasons, including minor boundary adjustments, that do not result in the creation of an additional lot or compromise the functionality or viability of the agricultural lands. The subject application will not result in the creation of a new lot. Further, the boundary adjustment will increase the functionality and viability of the adjacent agricultural lands by improving access.

The subject application conforms to the Haldimand County Official Plan.

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 severed portion of subject lands will be merged with abutting property as a condition of consent. As the subject lands were previously used as a rail line, a record of site condition is required prior to establishing a more sensitive land use on the property. The completion of a record of site condition has been included as a condition of consent.

The subject application complies with the 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 September 11, 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:



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 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 John Nicholas Montague & Leo Cornelius Montague and further identified as Roll No. 2810.332.005.02500, 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 John Nicholas Montague & Leo Cornelius Montague and further identified as Roll # 2810.332.005.02500.
4. That a Record of Site Condition be submitted to the Planning and Development Division prior to the signing of the certificate. Alternatively, the County will accept evidence from a qualified professional that any associated site remediation process has been initiated along with a commitment to a completion date for the Record of Site Condition process. Contact the Planner at 905-318-5732 for further clarification.
5. 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.
6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
7. Receipt of a copy of the registered reference plan of the severed parcel, with an area of 2.43 hectare (6.02 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 draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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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 17, 2025, after which time this consent will lapse.

File No. PLB-2023-134

MONTAGUE, Maxine, Barbara and Lorraine

Assessment Roll No. 2810-332-005-01580

Location Map FILE #PLB-2023-134 APPLICANT: Montague



Location:

**GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

**WAL CON 8 PT LOTS 9-12 RP 37R5365
PARTS 1-4 RP 37R5364 PARTS 1-4**

Property Assessment Number:

2810 332 005 01580 0000

Size:

10.35 Acres

Zoning:

A (Agricultural) & HL (Hazard Land) Overlay

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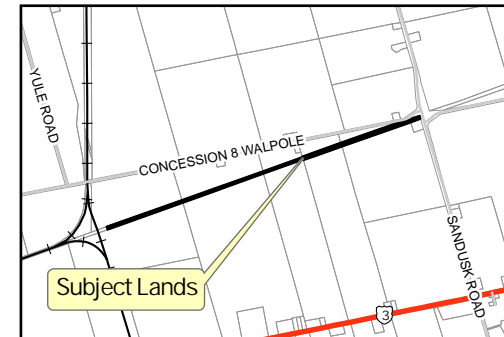
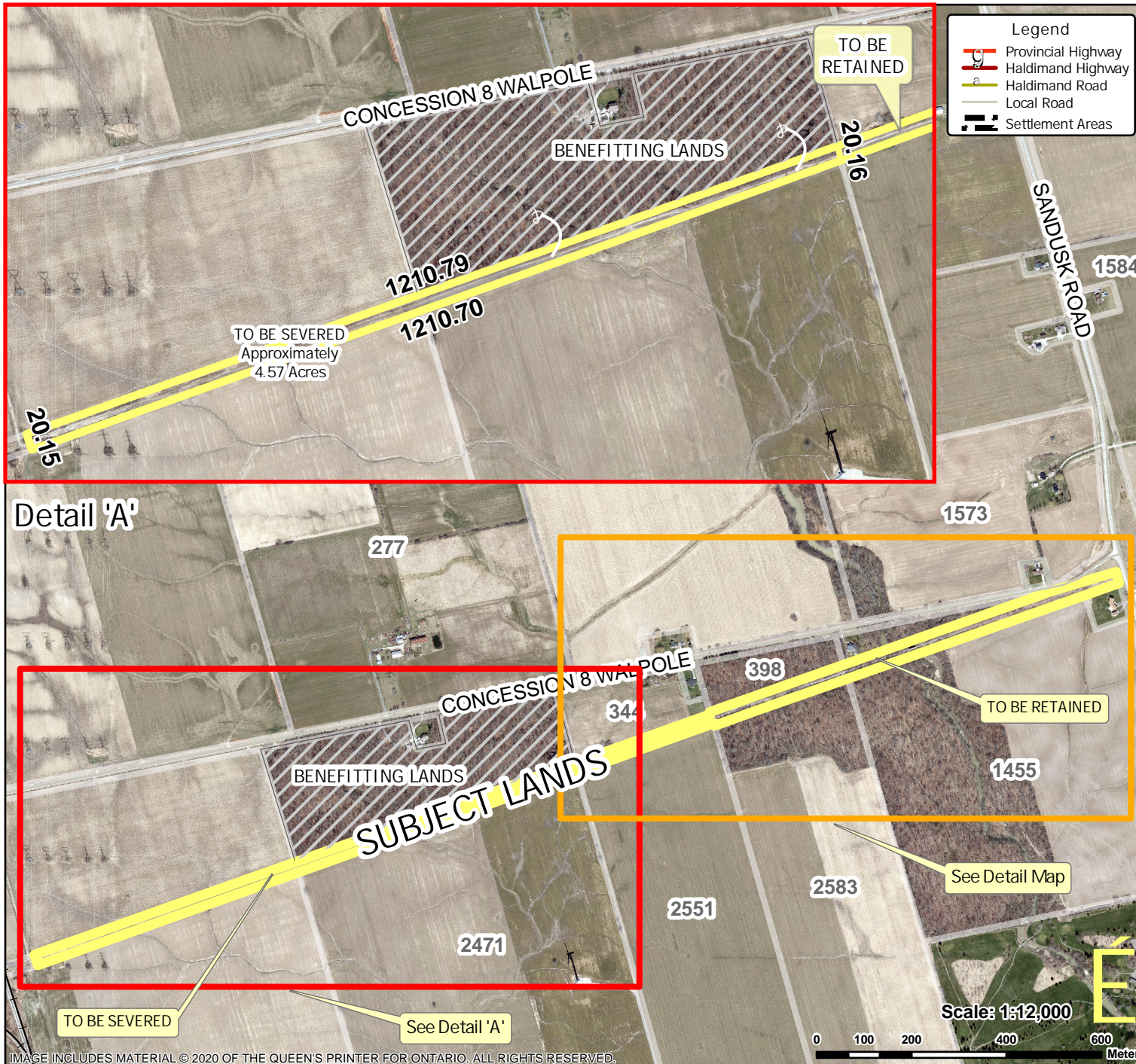


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Detail Map FILE #PLB-2023-134 APPLICANT: Montague



Location:

**GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

**WAL CON 8 PT LOTS 9-12 RP 37R5365
PARTS 1-4 RP 37R5364 PARTS 1-4**

Property Assessment Number:

2810 332 005 01580 0000

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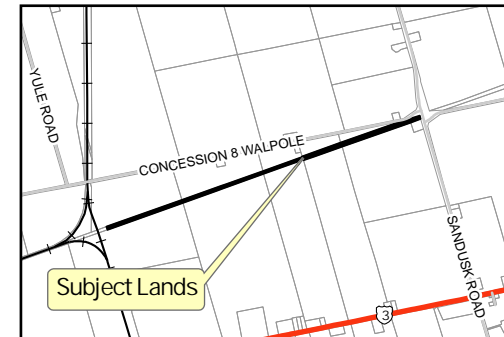
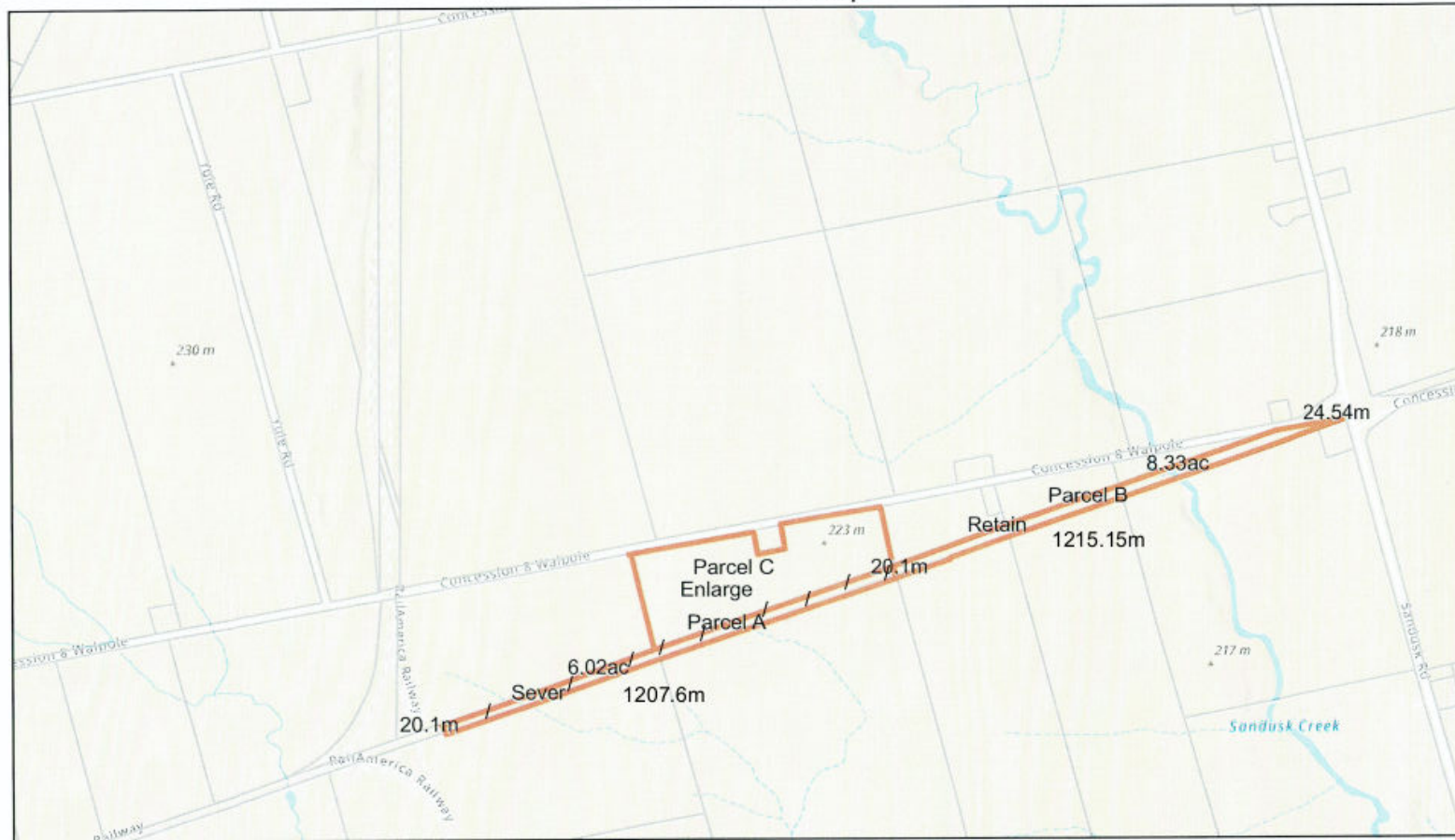


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Owner's Sketch FILE #PLB-2023-134 APPLICANT: Montague



ArcGIS Web Map

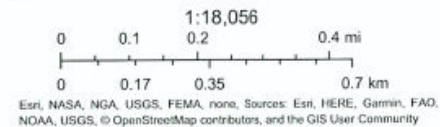


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Esri, NASA, NGA, USGS, FEMA | Haldimand County, Province of Ontario, Parks Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, NPS, US Census Bureau, USDA, NRCAn | none |



Haldimand County Committee of Adjustment Consent

Meeting Date: October 17, 2023

File Number: PLB-2023-137 and PLB-2023-138

Property Roll Number: 2810-021-003-06702

Applicant: Gordon Brdar

Agent: Adam Moote (Land Pro)

Property Location: Concession 4 South of Dover Road, Part Lot 24, Registered Plan 18R7650 Parts 4 to 6, Hamlet of Port Maitland, Geographic Township of Dunn, no civic address

Recommendation

That applications PLB-2023-137 and PLB-2023-138 be approved. The applications are consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conform to the intent of the Haldimand County Official Plan.

Details of the Submission

Proposal: The applicant proposes to sever two lots for future residential development. In application PLB-2023-137, the severed lands will have a frontage of approximately 34 metres (111.5 feet) and contain an area of approximately 0.15 hectares (0.37 acres). In application PLB-2023-138, the severed lands will have a frontage of approximately 34 metres (111.5 feet) and contain an area of approximately 0.16 hectares (0.4 acres). The retained parcel will contain an area of approximately 0.27 hectares (0.67 acres).

Site Features and Land Use: The subject property is located within the Hamlet of Port Maitland, and is approximately 0.58 hectares (1.44 acres) in area. The property is a vacant, flat, grassed parcel of land with some trees located along the periphery located at the north west corner of the intersection of Dover Street and Lighthouse Drive. The north end of the site is low lying and occupied by trees and a drainage feature/creek. A water pipeline easement bisects the property from east to west.

Surrounding land uses include: residential uses to the south, beyond which is Lake Erie; residential and agricultural uses to the west; residential and agricultural uses to the north; and residential uses, wetland and the Grand River to the east.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Grand River Conservation Authority (GRCA) approvals required. Concept plan is not to scale. A revised concept plan, drawn to scale with all setbacks shown in metric, showing that both a building and a septic system can be accommodated on the retained lot and each of the two severed lots.

Haldimand County Planning & Development – Development Technologist: Full lot grading plan required. Entrance permits required for the severed parcels. Daylight triangle at intersection.

Haldimand County Emergency Services: No comments received.

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

Grand River Conservation Authority: GRCA is fine with the severance, provided that all development can be located a minimum 30 metres from the wetland. If there is any encroachment within this setback an EIS may be required.

Hydro One: No comments or concerns.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: This property is currently subject to litigation which included in the 1834 purported surrender 38. The proposed lot severance is going to create some environmental degradation due to future development, and proximity to the Grand River is concerning to us here at Six Nations. Any trees that need to be removed to facilitate this development we ask that they be replaced at a 10:1 ratio, with site appropriate native species. Six Nations also asks that there be at least a 30-meter vegetated buffer between any development and the watercourse going through the property. During the EIS process make sure you evaluate for sustenance animals such as turtles, deer and turkey.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS is highly protective of agricultural lands and generally directs new development to existing settlement areas. The subject property is located within the settlement area boundary for the Hamlet of Port Maitland. Staff are of the opinion that both applications, each proposing to sever a new lot, is consistent with the policies of the PPS.

A Place to Grow, 2020

Like the PPS, A Place to Grow directs development to existing settlement areas. Staff are of the opinion that the proposed consent to sever a new lot conforms with the policies of A Place to Grow.

Haldimand County Official Plan (OP)

The subject property is designated Hamlet on Schedule C.16 of the Haldimand County Official Plan (OP).

Section 5.H.2 of the Official Plan outlines the general criteria for consent and states that 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;

Staff comment: A revised concept plan, showing that the retained lot and each of the two proposed severed lots can accommodate a building footprint as well as a septic system has been provided by the applicant. Staff are satisfied that the concept plan demonstrates there is sufficient room on each lot accommodate the proposed development. However, Building staff have noted that the concept plan has not been drawn to scale. A revised concept plan, drawn to scale and showing all required setbacks (in metric), demonstrating that the retained lot and both severed lots can accommodate a dwelling and septic system, will be required as a condition of approval.

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

Staff comment: The proposed retained lot, Lot 1 and Lot 2 will be serviced by private water (cistern), and septic system. The applicant retained Esse Canada to prepare a Wastewater Treatment System (WTS) Performance Evaluation & Capacity Assessment. The assessment completed by Esse shows that a septic

system can be accommodated on each of the proposed lots. As noted above, a revised concept plan, drawn to scale and showing all required setbacks (in metric), demonstrating that the retained lot and both severed lots can accommodate a dwelling and septic system, will be required as a condition of approval.

- 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

Staff comment: The proposed retained lot and proposed severed Lot 1 and Lot 2 would have frontage on Dover Street which is publicly owned and maintained. Proposed Lot 2 would be a corner lot abutting both Dover Street and Lighthouse Drive. A condition of consent would be to obtain an entrance permit for each lot from the Roads Division.

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

Staff comment: Two severed lots plus the retained lot are proposed to be created.

The GRCA has commented that an EIS may be required if it cannot be demonstrated that all development can be located a minimum 30 metres from the wetland. The applicant shall demonstrate, to the satisfaction of the GRCA, that the proposed development is located at least 30 metres from the wetland.

Subject to the attached conditions, staff are satisfied that the application meets the general intent and purpose of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

Proposed Lots 1 (PLB-2023-137) and 2 (PLB-2023-138) do not conform to the minimum lot size requirement for the Hamlet Residential (RH) Zone in Table 6.2a of Haldimand County Zoning By-law HC 1-2020 (outlined below in Table 1).

Table 1: Lot Area Requirements

Proposed Lots	Proposed Lot Area	Minimum Required Lot Area
Retained Lot	2,700.73 square metres (0.66 acres)	1,855 square metres (0.46 acres)
Lot 1	1,486.01 square metres	1,855 square metres

(PLB-2023-137)	(0.37 acres)	(0.46 acres)
Lot 2 (PLB-2023-138)	1,625.08 square metres (0.40 acres)	1,855 square metres (0.46 acres)

If applications PLB-2023-137 and PLB-2023-138 are approved it is anticipated that an application for minor variance would be required as a condition to address the reduced lot size at a minimum.

As per the comments from the Development Technologist and consistent with section 4.56 and Table 5.56 of the Haldimand County Zoning By-law HC 1-2020, if application PLB-2023-138 is approved, a daylight triangle will be required.

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 11, 2023.

The applicant has satisfied the public consultation requirements as per the Provincial legislation. The agent has sent out notice for a public open house via ZOOM to address the public consultation requirements.

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:

A handwritten signature in black ink, appearing to read 'Alisha Cull', is centered within a light gray rectangular box.

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 revised concept plan, drawn to scale with all setbacks shown in metric, showing that both a building and a septic system can be accommodated on the retained lot and each of the two severed lots, to the satisfaction of the Haldimand County Building Controls and By-law Enforcement Division. Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
3. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
4. Receipt of final approval of the required minor variance (Minor Variances can take three 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 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.
6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
7. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 34 metres (111.5 feet), and an area of 0.15 hectares (0.37 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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 17, 2025, after which time this consent will lapse.

File No. PLB-2023-137

BRDAR, Gordon

Assessment Roll No. 2810-021-003-06702

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 revised concept plan, drawn to scale with all setbacks shown in metric, showing that both a building and a septic system can be accommodated on the retained lot and each of the two severed lots, to the satisfaction of the Haldimand County Building Controls and By-law Enforcement Division. Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
3. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
4. Receipt of final approval of the required minor variance (Minor Variances can take three 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 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.
6. The applicant will provide the Planning & Development Department with a revised site plan showing the required Daylight Triangle (Part 3), with measurements conforming to the requirements set out in Table 4.56 of Zoning By-law HC 1-2020. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication, have been satisfied. A dedication to the County of Part 3 of the revised Site Plan, the daylight triangle, is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
7. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.

8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 34 metres (111.5 feet), and an area of 0.16 hectares (0.4 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 draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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

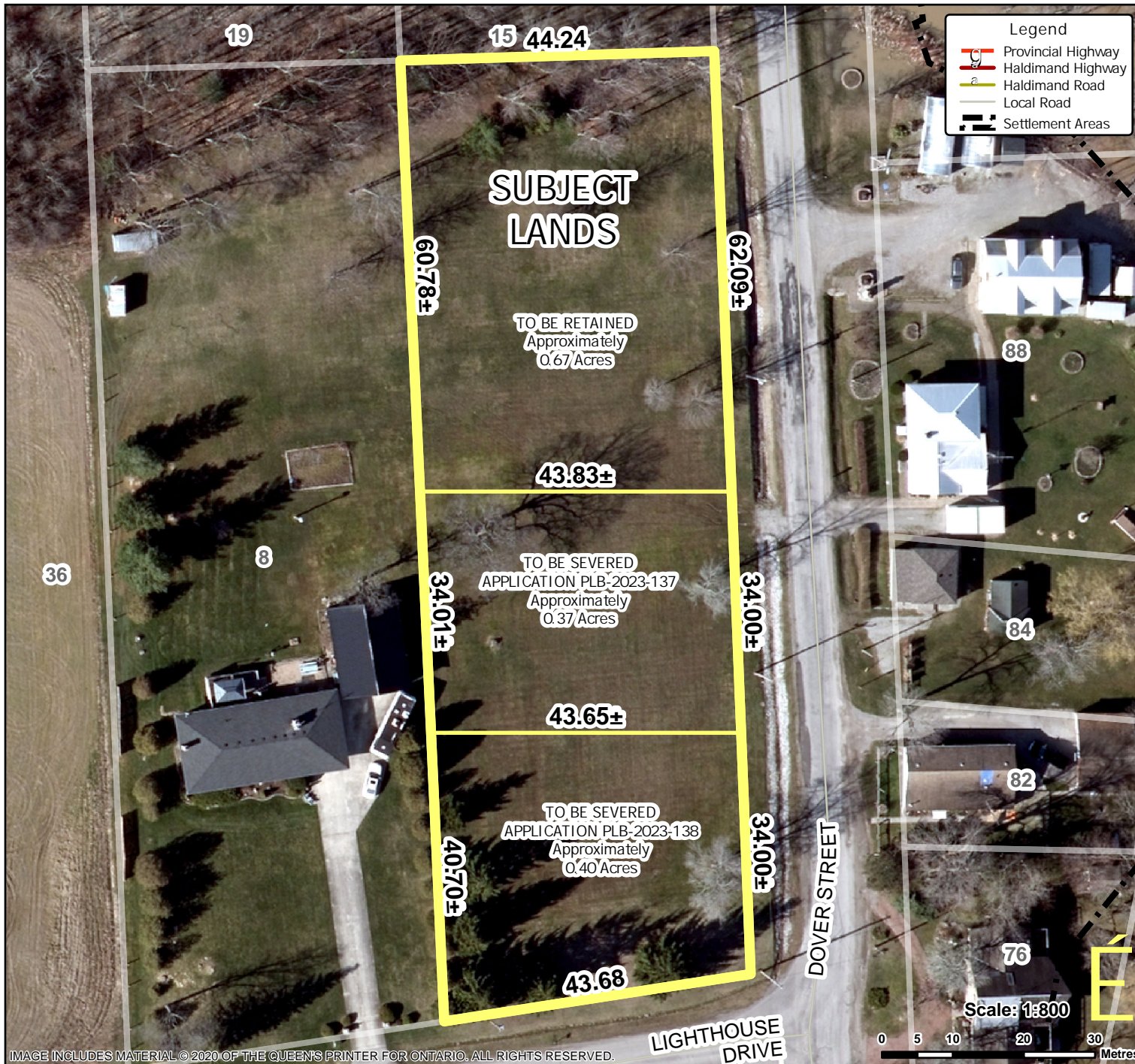
9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 17, 2025, after which time this consent will lapse.

File No. PLB-2023-138

BRDAR, Gordon

Assessment Roll No. 2810-021-003-06702

Location Map FILE #PLB-2023-137 & PLB-2023-138 APPLICANT: Brdar



Location:

**LIGHTHOUSE DR
GEOGRAPHIC TOWNSHIP OF DUNN
WARD 5**

Legal Description:

**DUNN CON 4 SDR PT LOT 24 RP 18R7650
PARTS 4 TO 6**

Property Assessment Number:

2810 021 003 06702 0000

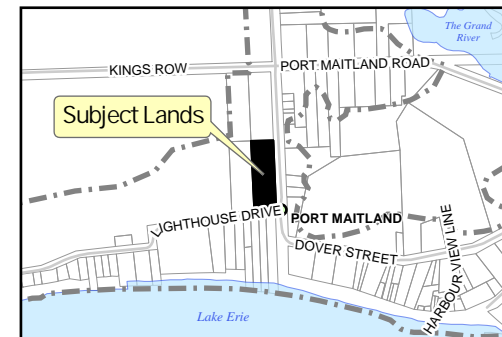
Size:

1.44 Acres

Zoning:

**RH (Hamlet Residential) & GRCA Regulated
Lands**

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Owner's Sketch FILE #PLB-2023-137 & PLB-2023-138 APPLICANT: Brdar





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: October 17, 2023

File Number: PLA-2023-132

Property Roll Number: 2810-157-001-06500

Applicant: David and Linda Link

Property Location: Concession 4, Part Lot 30, Registered Plan 18R597 Part 1, Geographic Township of South Cayuga, known municipally as 20 Mt. Olivet Road

Recommendation

That application PLA-2023-132 be refused. The application does not meet the four tests of a minor variance.

Details of the Submission

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

Development Standard(s)	Required	Proposed	Deficiency
Exterior Side Yard	13.0 metres (42.7 feet)	3.3 metres (10.8 feet)	9.7 metres (31.9 feet)

The relief is requested to permit the existing cargo containers and storage on the subject property.

Site Features and Land Use: The subject lands are located in the geographic township of South Cayuga and front onto the east side of Mount Olivet Road and the north side of Haldimand Road 20. The lands currently contain a single detached dwelling, accessory structures, machinery parts and cargo containers. The surrounding land uses are generally agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Comments should include distance to overhead hydro line and they must meet Ontario Building Code clearances to lines. Permits required for containers.

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

Haldimand County Emergency Services: No comments received.

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

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

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

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

Planning staff comment: The subject lands are designated “Agriculture” in the Haldimand County Official Plan. Single and semi-detached dwellings and accessory structures are permitted uses within the Agriculture designation.

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

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

Planning staff comment: The subject lands are zoned “Agricultural (A)” in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory structures with an exterior side yard of 3.3 metres (10.8 feet) where 13 metres (42.7 feet) are required. The intent of the cargo containers is that they be used as windbreak protection.

The intent for limiting the exterior side yard of structures is to ensure that they do not negatively impact the character of the area and allow for an appropriate setback from the road. While cargo containers are considered as accessory structures and are permitted in the A Zone, the proposed location creates safety hazards around the existing hydro pole on the property. According to information from Hydro One, the minimum required distance from any structure to a Hydro Pole is 4.8 metres (15.7 feet) to accommodate hazards from severe weather. Powerlines can swing a significant distance. Placing accessory structures within the recommended setback distance is dangerous and may impede power distribution.

It is the opinion of Planning staff that the subject application does not maintain the intent of the Zoning By-law.

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

Planning staff comment: Based on the comments above regarding the hydro pole location in relation to the cargo containers, it is the opinion of Planning staff that the subject application is not appropriate for the development of the lands in question.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it is the opinion of Planning staff that the subject application is not minor.

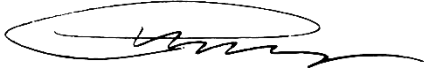
The subject application does not meet the four tests of a minor variance.

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 September 26, 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
Planning Technician, Planning & Development
905-318-5932 ext. 6210

Reviewed by:



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

Location Map FILE #PLA-2023-132 APPLICANT: Link



Location:

**20 MOUNT OLIVET RD
GEOGRAPHIC TOWNSHIP OF
SOUTH CAYUGA
WARD 2**

Legal Description:

**SOUTH CAYUGA CON 4 PT LOT 30
RP 18R597 PART 1**

Property Assessment Number:

2810 157 001 06500 0000

Size:

6.00 Acres

Zoning:

A (Agricultural)

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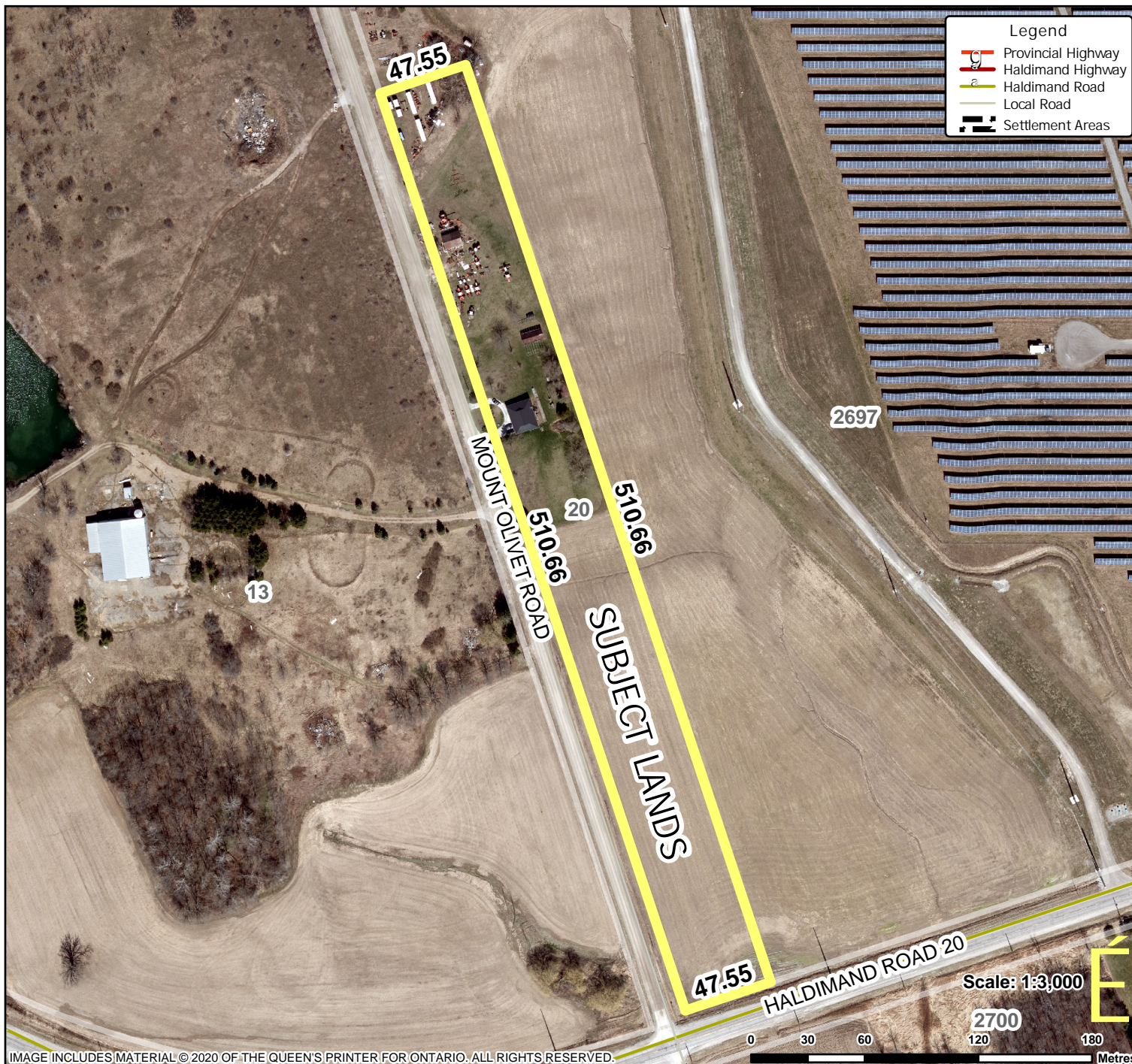
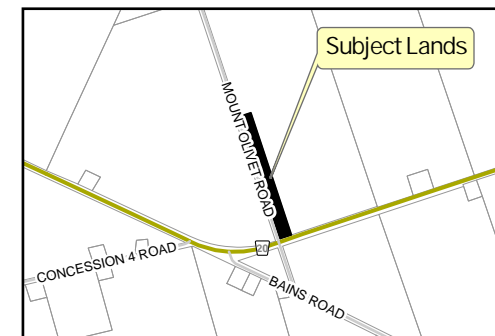
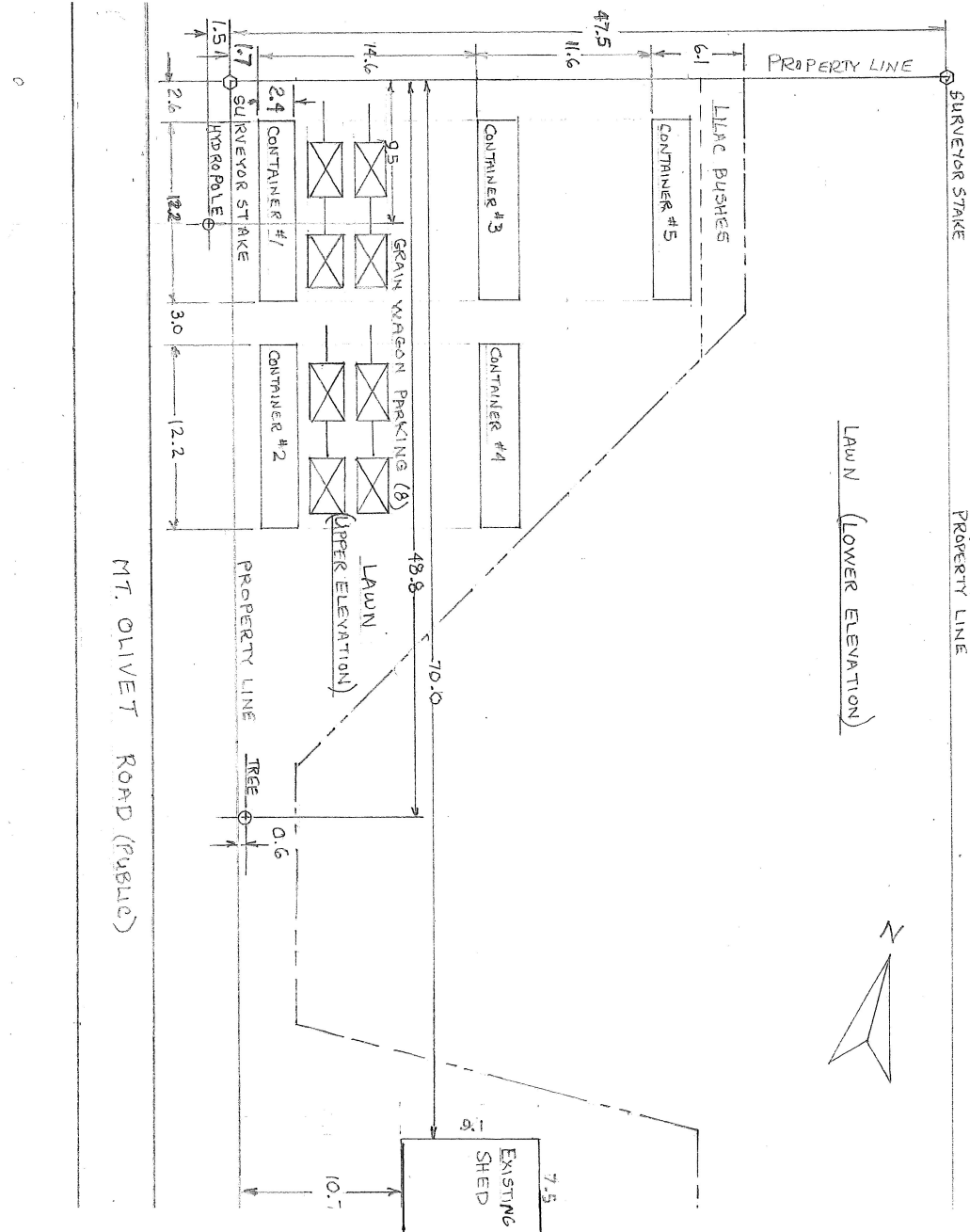
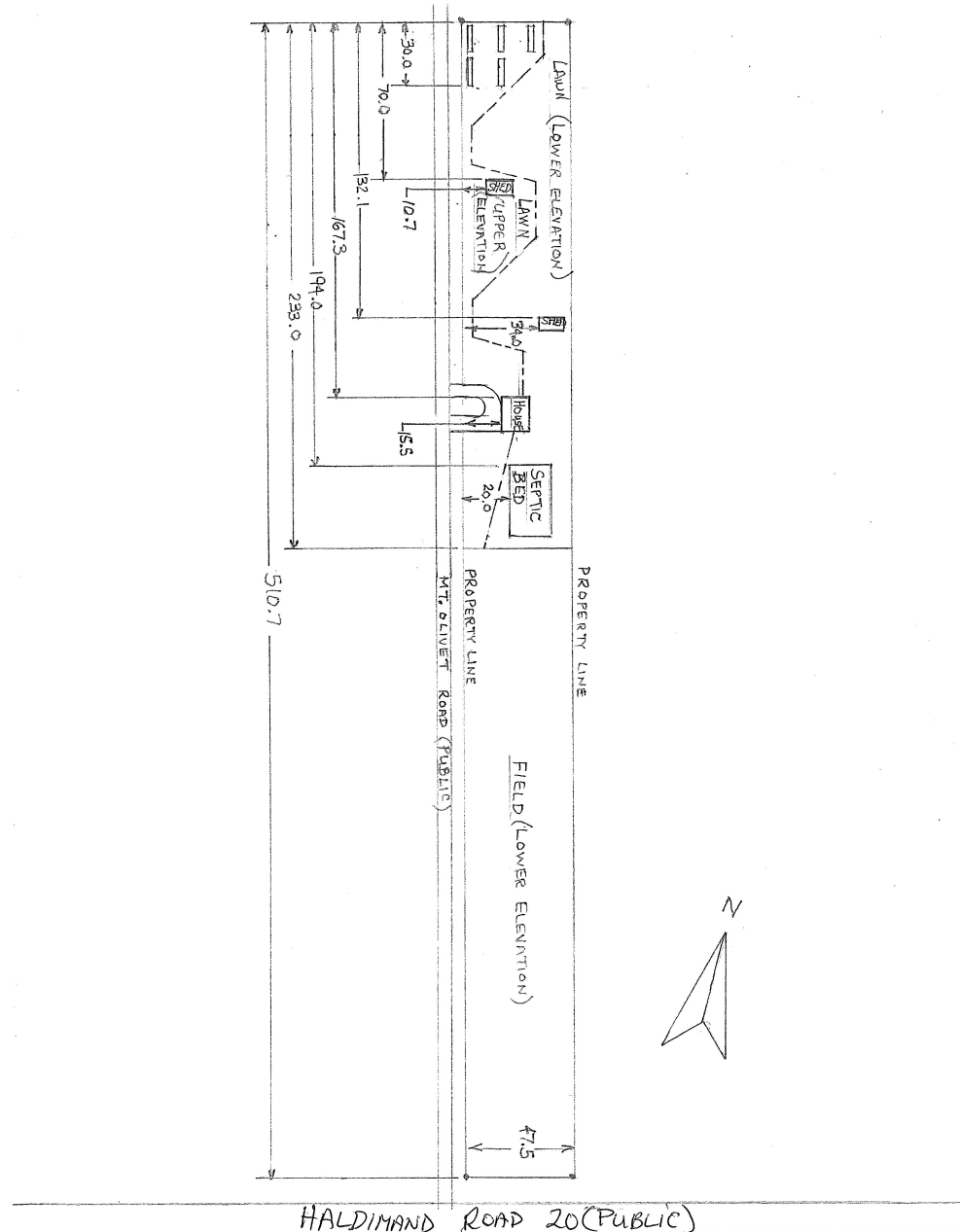


IMAGE INCLUDES MATERIAL © 2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch 1 of 2 FILE #PLA-2023-132 APPLICANT: Link



Owner's Sketch 2 of 2 FILE #PLA-2023-132 APPLICANT: Link





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: October 17, 2023

File Number: PLA-2023-140

Property Roll Number: 2810-022-001-06400

Applicant: 1000092840 Ontario Inc. (Justin Awde)

Property Location: Concession 2, Part Lot 17, Registered Plan 18R3213 Part 1, Geographic Township of Canborough, known municipally as 6811 Highway 3

Recommendation

That application PLA-2023-140 be approved. The application meets the four tests of a minor variance.

Details of the Submission

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

Development Standard(s)	Required	Proposed	Deficiency
Aggregate activity area for an on-farm diversified use	2%	2.73%	0.73%

The relief is requested to permit the establishment of a themed farm stay resort and outdoor assembly area on the subject property.

Site Features and Land Use: The subject property is approximately 24.28 hectares (60 acres) in area, with approximately 209 metres (686 feet) of frontage on the north side of Highway 3. The property is located almost 2 kilometres west of Canborough. Much of the property is actively farmed. The property is bisected by multiple drainage features.

Water and sanitary services are provided by private cistern and septic system. Surrounding land uses are agricultural in nature.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Septic System conditions need to be addressed. In application form it has "entertaining approx. 120 people", a Septic System has to be designed for this property and then Daily Flow for the property will need to be addressed on whether MOE will need to be involved. Submitted Septic Evaluation from qualified designer for all buildings, bedrooms and people activity numbers. Once this is reviewed, we can address Review Items for competition.

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

Haldimand County Emergency Services: No comments received.

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

Niagara Peninsula Conservation Authority: The NPCA will require that Erosion Sediment Control Measures (ESC), such as Silt Erosion Control Fencing, be installed and between the area of work of the proposed farm stay resort and outdoor assembly area and the regulated lands. This is required to prevent sediment and materials from the work area from entering the watercourse. The length of the fencing should provide adequate protection around the area of work. NPCA staff at this time have no objections to the minor variance to increase the lot coverage on the property for the proposed farm stay, provided ESC measures (type and location) are identified on the site plan. The NPCA would like to review this application at the time of the permit process, and it will require NPCA approval. The NPCA has no objections to the proposed location of the bee garden area. Any proposed future work within the regulated lands would require NPCA approval with a work permit.

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 concerns. Recommend that any trees that need to be removed be removed at a 10:1 replacement ratio (10 trees planted for every 1 removed) and recommend the use of site appropriate native species for the replanting process.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

Section 2.3.3.1 of the PPS states, “In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

“Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”

In support of PPS policy 2.3.3.1, the Ontario Ministry of Agriculture Food and Rural Affairs published “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas” to provide information regarding, among other things, on-farm diversified uses:

2.3 On-Farm Diversified Uses

A wide variety of uses may qualify as on-farm diversified uses based on the PPS definition, as long as they meet the criteria described below. On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.

2.3.1 PPS Criteria for On-Farm Diversified Uses

All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS.

1. Located on a farm. (from the label “on-farm” diversified uses and from the definition’s requirement that the use be secondary to the principal “agricultural use” of the property)
2. Secondary to the principal agricultural use of the property. (from the PPS definition of on-farm diversified uses)
3. Limited in area. (from the PPS definition of on-farm diversified uses)

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. (from the PPS definition of on-farm diversified uses)

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations. (from PPS Policy 2.3.3.1)

Planning Staff are satisfied that the subject property is a farm that is actively farmed and that the proposed overnight accommodations would be secondary to the principal farm use (crop production), satisfying Criteria 1 and 2 above.

As per Criteria #3, an on-farm diversified use is to be limited in area. As per the applicant's site plan the total property area is 26.9 hectares (66.6 acres) and the total area uses for the proposed on-farm diversified use would be 0.74 hectares (1.8 acres), which is 2.73 percent of the total property area. Staff are satisfied that the proposed on-farm diversified use is limited to a small percentage of the total lot area which satisfies Criteria #3.

Staff are of the opinion that the overnight accommodations proposed by this application will be part of and will support the agri-tourism industry in Haldimand County. Staff are of this opinion the proposal satisfies Criteria 4.

Staff are also satisfied that the proposal will be compatible with, and not hinder, surrounding agricultural operations. Additionally, to offset any potential loss of farm land to the proposed agri-tourism units, the applicant is proposing to establish an apiary on another part of the farm that is less suitable for crop production.

Staff are satisfied that the proposal addresses the 5 criteria set out in the Guidelines and is consistent with the policies of the PPS.

Minor Variance Tests

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. The OP currently does not include policies specifically addressing on-farm diversified uses. The predominant use of lands within areas designated Agricultural shall be agriculture, however, the OP does permit:

- land uses compatible with agriculture;

- land uses that add value to farm products provided that they are located in the farm building complex and primarily serve the surrounding rural and agriculture community.
- a range of uses operated by the farmer may be permitted as secondary uses on farms provided that the uses are located within the farm building complex, primarily serve the surrounding rural and agricultural community and are compatible with and do not hinder surrounding farm operations. The size of the secondary use will be limited in the implementing zoning by-law; and
- Small-scale agriculturally related commercial and industrial uses may be permitted.

The intent of the agricultural policies in the OP is to protect agricultural lands and support farming in Haldimand County, which includes supporting the viability of farming operations by allowing a secondary use, agriculture related issues and on-farm diversified uses within limits set out in the PPS, the OP and Zoning By-law.

In the absence of specific policies related to on-farm diversified uses in the OP, staff turn to the relevant PPS policies, which staff are satisfied the proposal is consistent with.

The proposal will provide needed overnight accommodations which will support agri-tourism in Haldimand County. Staff are of the opinion that the proposed themed farm stay resort maintains the general intent and purpose 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). On-Farm Diversified Agricultural Uses are permitted in the Agricultural Zone and subject to the criteria set out in section 4.44 of Zoning By-law HC 1-2020:

4.44 d) Any On-Farm Diversified Agriculture use shall be subject to the following provisions:

i) the use shall be secondary to the main farm use on the subject lands;

Planning Comment: The area of the proposed themed farm stay resort will be limited to 2.73 percent of the farm property and would be a use secondary to the primary farm use on the property.

ii) all buildings related to the use shall be located within a cluster of existing buildings;

Planning Comment: All buildings related to the themed farm stay resort are proposed to be located within a cluster of buildings located relatively near the existing structure on the property.

iii) the aggregate activity area occupied by an on-farm diversified use, including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 2% of total lot area to a maximum of 1.0 hectare. Aggregate activity area for on-farm diversified uses shall be calculated in accordance with the following:

- (1) Production lands which are used for the growing of crops and simultaneously used as part of the activity area shall not be included in the calculation of the 2%;
- (2) the area of existing lanes shall be not be included in the area calculations;
- (3) the area of existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified agriculture uses shall be discounted by 50% in the area calculations; and
- (4) the area of new structures, setbacks, outdoor storage, landscaped areas, berms, lanes, and parking, are counted at 100% in the area calculations.

Planning Comment: Zoning By-law HC 1-2020 limits on-farm diversified uses to 2 percent of the area of the farm property to a maximum of 1.0 ha. As per the applicant's site plan, the total property area is 26.9 hectares (66.6 acres) and the total area to be used for the proposed on-farm diversified use would be 0.74 hectares (1.8 acres). Although the percentage of the subject property proposed to be used for the themed farm resort is 2.73 percent of the total property area, the area is still less than the 1.0 hectare maximum. The minor variance has been requested to seek relief allowing the on-farm diversified use to occupy 2.73 percent of the property instead of the permitted 2 percent.

- iv) special events shall be limited to a maximum of 10 days per year;
- v) seasonal attractions are permitted to be sequential; and
- vi) site plan control shall apply to any development."

The intent of the Zoning By-law is to limit the area an on-farm diversified use can occupy on a farm property to minimize loss of productive farm land and ensure the on-farm diversified use is secondary to the farm use. Staff are satisfied that the proposed variance necessary to allow the proposal maintains the general intent and purpose of Haldimand Zoning By-law HC 1-2020.

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

Planning staff comment: The proposed themed farm stay resort would provide needed overnight accommodations, and would support agri-tourism in Haldimand County. Staff have received no concerns or objections from departments, agencies or the public to the proposed variance. Staff are of the opinion that the application is desirable for the appropriate development of the subject property.

4. Is the application minor?

Planning staff comment: Staff are of the opinion that the application is consistent with the PPS, maintains the general intent and purpose of the OP and Zoning By-law and is desirable for the appropriate development of the subject property. No potential negative impacts that cannot be mitigated have been identified. Staff are of the opinion that the 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 September 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:



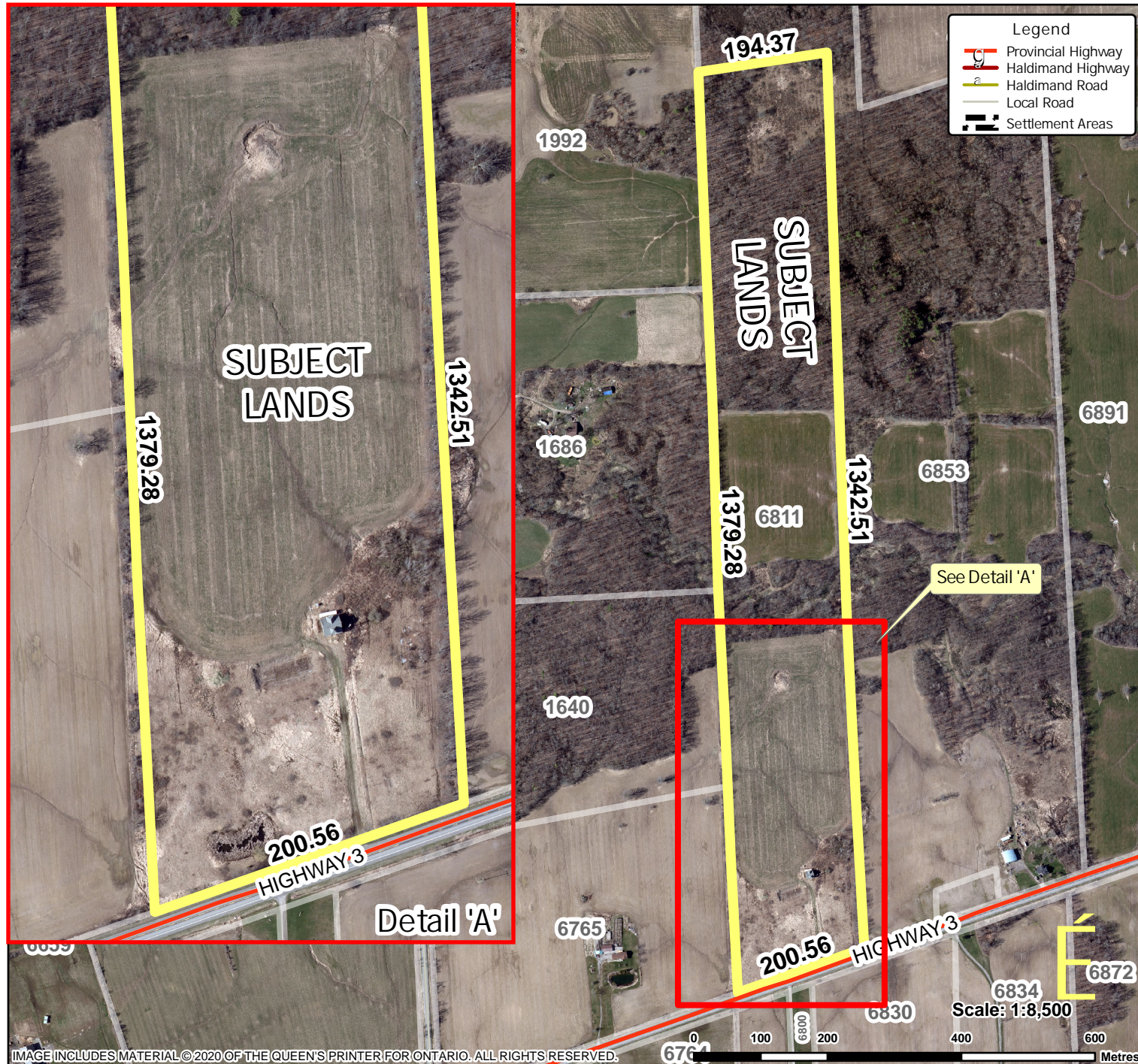
John Douglas, MCIP, RPP
Senior Planner
905-318-5932 ext. 6252

Reviewed by:

A handwritten signature in black ink, appearing to read 'Alisha Cull', is centered within a light gray rectangular box.

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

Location Map FILE #PLA-2023-140 APPLICANT: 1000092840 Ontario Inc.



Location:

**6811 HIGHWAY 3
GEOGRAPHIC TOWNSHIP OF
CANBOROUGH
WARD 6**

Legal Description:

CAN CON 2 PT LOT 17 RP 18R3213 PART 1

Property Assessment Number:

2810 022 001 06400 0000

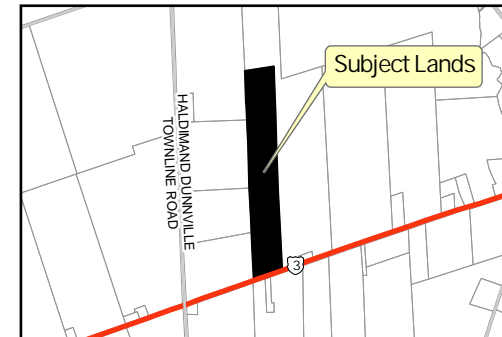
Size:

60.00 Acres

Zoning:

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

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Owner's Sketch 1 of 3 FILE #PLA-2023-140 APPLICANT: 1000092840 Ontario Inc.



PERCENTAGE OF PROPERTY USED: 2.73%

TOTAL PROPERTY AREA
269516.57 SQ. M.
2901049 SQ. FT.

TOTAL USED AREA
7352.73 SQ. M.
79144 SQ. FT.



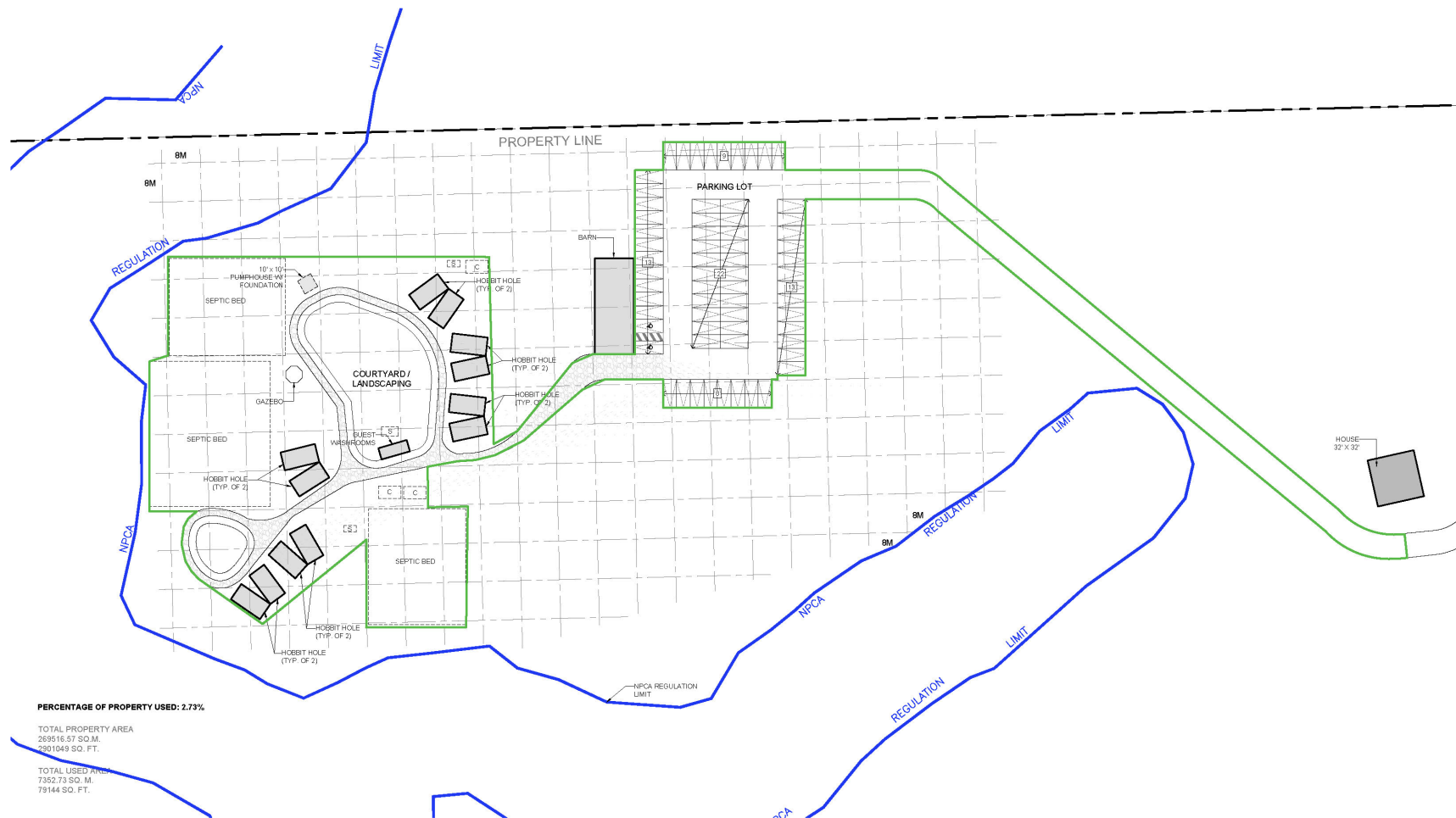
Project No.
12207

AWDSHIRE HOBBIT VILLAGE

Schematic Plans
Full Site Plan

Scale: 1"=300'
Date: 2023-08-17





PERCENTAGE OF PROPERTY USED: 2.73%

TOTAL PROPERTY AREA
269516.57 SQ.M.
2901049 SQ. FT.

TOTAL USED AREA
7352.73 SQ. M.
79144 SQ. FT.



Project No.
12207

AWDSHIRE HOBBIT VILLAGE

Schematic Plans
Partial Site

Scale: 1"=60'
Date: 2023-08-17





October 5, 2023

MEMORANDUM

File No.: PLA-2023-131

TO: Committee of Adjustment

FROM: David Scott, Secretary-Treasurer, Committee of Adjustment

SUBJECT: Resubmission of a Previously Deferred Application

LOCATION: Onondaga Mission School Lot, Geographic Township of Seneca, known municipally as 2305 Haldimand Highway 54

Committee of Adjustment Chair and Members,

Minor variance application PLA-2023-131 was first heard by Committee of Adjustment on September 12, 2023, and the application was deferred. The deferral was due to the failure to post the public notice sign. Planning staff now recommend approval of the application as the sign has now been posted.

Attached to this memo is the staff report from September 12, 2023. A public notice sign was posted on the subject property on September 29, 2023.

Regards,



David Scott,
Secretary-Treasurer, Committee of Adjustment
Planning & Development Division



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: September 12, 2023

File Number: PLA-2023-131

Property Roll Number: 2810-152-005-19600

Applicant: Duane Boychuk and Tammy Hornak

Property Location: Onondaga Mission School Lot, Geographic Township of Seneca, known municipally as 2305 Haldimand Highway 54

Recommendation

That application PLA-2023-131 be deferred. The statutory public meeting sign was not posted in accordance with the *Planning Act*.

Details of the Submission

Proposal: A food truck operating from the subject property came to the attention of By-law Enforcement and was identified as a non-compliant use. The subject application has been submitted to allow the addition of Food Truck Establishment to the Rural Institutional (IR) Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Food Truck Establishment	Food Truck not permitted on the property	Food Truck proposed for the property	Food Truck proposed for the property

The relief is requested to permit the establishment of a food truck on the subject property.

Site Features and Land Use: The subject lands are a long narrow parcel of land located between Haldimand Hwy 54 and the Grand River. The property is used as a private park and marina (Harrison Landing), and has a mix of parking lot, green space, picnic tables and small docks along the Grand River. Harrison Landing is opened seasonally from late spring to early fall. The food truck is currently on site and located to the east of the entrance close to the north property line.

Surrounding land uses include the Grand River to the south; Open Space uses to the west; Open Space and some agricultural uses to the north; Open Space and residential uses to the east.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No additional comments other than deficiencies noted on the zoning deficiency form.

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

Haldimand County Emergency Services: No comments received.

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

Grand River Conservation Authority: No comments received.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

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

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

Planning staff comment: The subject lands are designated Agriculture with a Riverine Hazard Overlay, and are located within the areas regulated by the Grand River Conservation Authority (GRCA). The Agriculture policies in the OP are intended to protect agriculture lands for future agriculture uses. The subject lands have historically been used as a private park/marina and are unlikely to be used for agriculture purposes in the future. The addition of a food truck as a use presents no additional impact.

The subject lands are located within the Riverine Hazard Lands overlay of the Official Plan. The Riverine Hazard policies are intended to limit development within flood prone areas. Harrison Landing is a seasonal use which opens in late spring and closes in early September. Given the seasonal operations of the park, the food truck is not on site during high flood risk months. Additionally, the food truck can be removed from the subject lands should there be a flood risk during open season. The GRCA was circulated and did not provide any comments or concerns.

Staff are satisfied that the subject application maintains the general intent and purpose of the Official Plan.

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

Planning staff comment: The subject land are currently zoned Rural Institutional (IR). A food truck is not a permitted use in the IR Zone.

Historically the subject property was zoned Marine Commercial (CM) but as a result of an error in the last update, the subject property was identified as IR zone. The County is in the process of revising the zoning for the subject lands from Rural Institutional (IR) to Marine Commercial (CM). If the subject application is approved the food truck will continue to be a permitted use under the CM zoning.

The proposed variance maintains the general intent and purpose of Zoning By-law HC 1-2020.

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

Planning staff comment: The food truck provides a mobile service as a food vendor on site as a seasonal use. During the times of the year, winter and early spring, where the risk of flooding is most likely the food truck can be removed from the subject property. Staff are of the opinion that the food truck is a desirable use for the subject property.

4. Is the application minor?

Planning staff comment: The food truck provides a useful seasonal service on the subject property. In the case of flooding it can be removed from the subject lands. Staff have received no concerns about potential negative impacts from the

public or internal departments or external agencies. Staff are of the opinion that the proposed variance to permit the food truck as a use is minor.

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

Notice Sign and Applicant Discussion

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

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

Prepared by:



John Douglas, MCIP, RPP
Senior Planner
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Reviewed by:



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

Location Map FILE #PLA-2023-131 APPLICANT: Boychuk & Hornak



Location:

**2305 HALDIMAND HIGHWAY 54
 GEOGRAPHIC TOWNSHIP OF SENECA
 WARD 3**

Legal Description:

SEN ONONDAGA MISSION SCHOOL LOT PT

Property Assessment Number:

2810 152 005 19600 0000

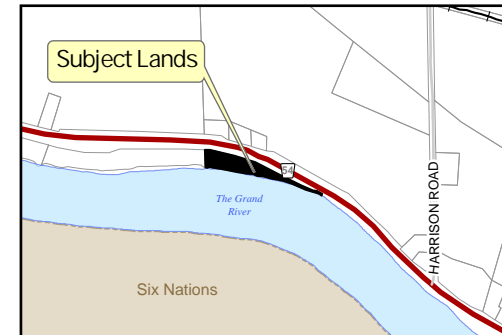
Size:

1.97± Acres

Zoning:

**IR (Rural Institutional), GRCA Regulated
 Lands & HCOP Riverine Hazard Lands - IR
 under review - maybe CM (Marine
 Commercial)**

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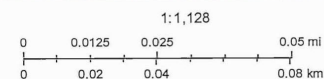
Owner's Sketch FILE #PLA-2023-131 APPLICANT: Boychuk & Hornak



2305 Haldimand Hwy 54



7/27/2023, 4:17:05 PM



none | GRCA | LRPCA | NPCA |