



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: February 20, 2024

File Number: PLA-2024-002

Property Roll Number: 2810-158-001-868100000

Applicant: Dale Gibbons

Agent: N/A

Property Location: Concession 3, Part Lot 15, RP 18R3222 PART 1,
Geographic Township of Rainham, Haldimand County, and
municipally known as 1111 Concession 3 Rd

Recommendation

That application PLA-2024-002 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: The applicant is proposing to build an accessory structure/garage in the rear yard of the property. Relief is requested from the lot coverage provisions of the Agricultural (A) Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Accessory Building lot coverage	100 square metres (1,076 square feet)	161 square metres (1,733 square feet)	61 square metres (657 square feet)

The relief is requested to permit a large accessory structure/garage which in combination with an existing shed exceeds the maximum lot coverage permitted for accessory structures.

Site Features and Land Use: The subject property is approximately 0.37 hectares (0.92 acres) in area, with approximately 61 metres (200 feet) of frontage on the north

side of Concession Rd. 3. The subject property contains an existing single detached dwelling and an existing 18.1 square metres (195 square feet) accessory structure.

The property is serviced by a private septic system (located in the front yard) and a private cistern for water.

Surrounding land uses are predominantly agricultural, with some limited non-farm residential lots.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Both buildings were taken into consideration for area coverage. ZDF should be reviewed.

Haldimand County Planning & Development Services – Development Technologist: No comments

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 comments received

Municipal Property Assessment Corporation: No comments received

Mississaugas of the Credit: No comments received

Six Nations: No comments received

Public: No comments received.

Planning Analysis

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

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

Planning staff comment: The subject lands are designated 'Agriculture' in the Haldimand County Official Plan. The primary function for the agricultural area is to promote and protect agriculture and agriculturally related uses. Single dwellings and accessory buildings are permitted within the Agriculture designation.

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

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

Planning staff comment: The subject lands are zoned “Agricultural (A)” in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory building which together with an existing shed on the subject property, has a total accessory building area of 161 square metres (1733 square feet) where up to 100 square metres (324 square feet) is permitted. The applicant intends to use the accessory building for personal storage.

The intent for limiting the area of accessory buildings is to ensure they remain accessory to the primary use on the property and to ensure they do not negatively impact the character of the area. The proposed storage building will be used for personal storage, accessory to the dwelling on the property. Further, the structure will not impact the character of the area and is not anticipated to negatively impact neighbouring properties.

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

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

Planning staff comment: Accessory structures are permitted uses in the agricultural zone. Although the proposed accessory structure exceeds the lot coverage limit set out in Haldimand County Comprehensive Zoning By-law HC 1-2020, no negative impacts from the proposal have been identified or are expected as a result.

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

4. Is the application minor?

Planning staff comment: The application maintains the general intent and purpose of the Official Plan and Zoning By-law. No negative impacts are anticipated. And there are many examples of accessory structures in the general area of the subject property and throughout agricultural lands in Haldimand County that are both smaller and larger than that proposed by the subject

application. The increase to the proposed lot coverage will not create a visual or functional impact to the property or surrounding area.

Staff are satisfied 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 January 24, 2024.

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:



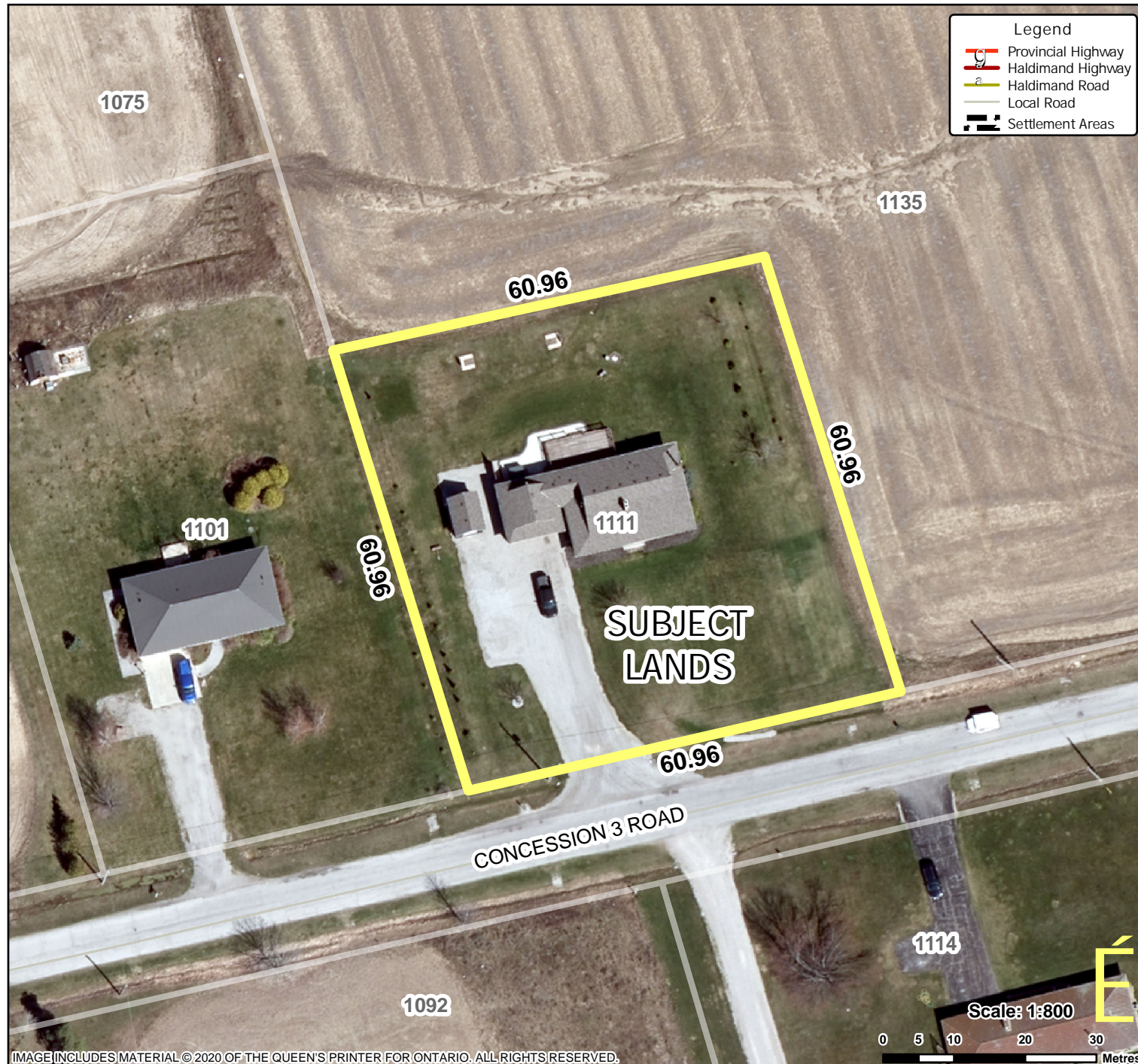
John Douglas, MCIP, RPP
Senior Planner
905-318-5932 ext. 6252

Reviewed by:



Shannon VanDalen, MCIP, RPP
Manager, Planning & Development
905-318-5932 ext. 6339

Location Map FILE #PLA-2024-002 APPLICANT: Gibbons



Location:

**1111 CONCESSION 3 ROAD
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2**

Legal Description:

RNH CON 3 PT LOT 15 RP 18R3222 PART 1

Property Assessment Number:

2810 158 001 86810 0000

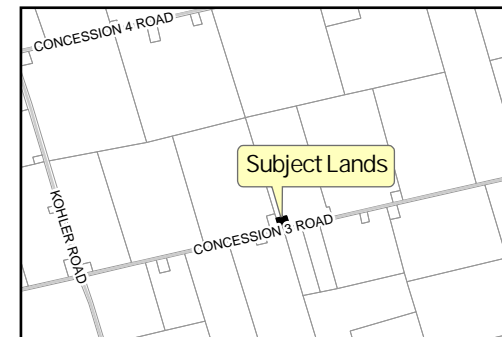
Size:

0.37 Hectares

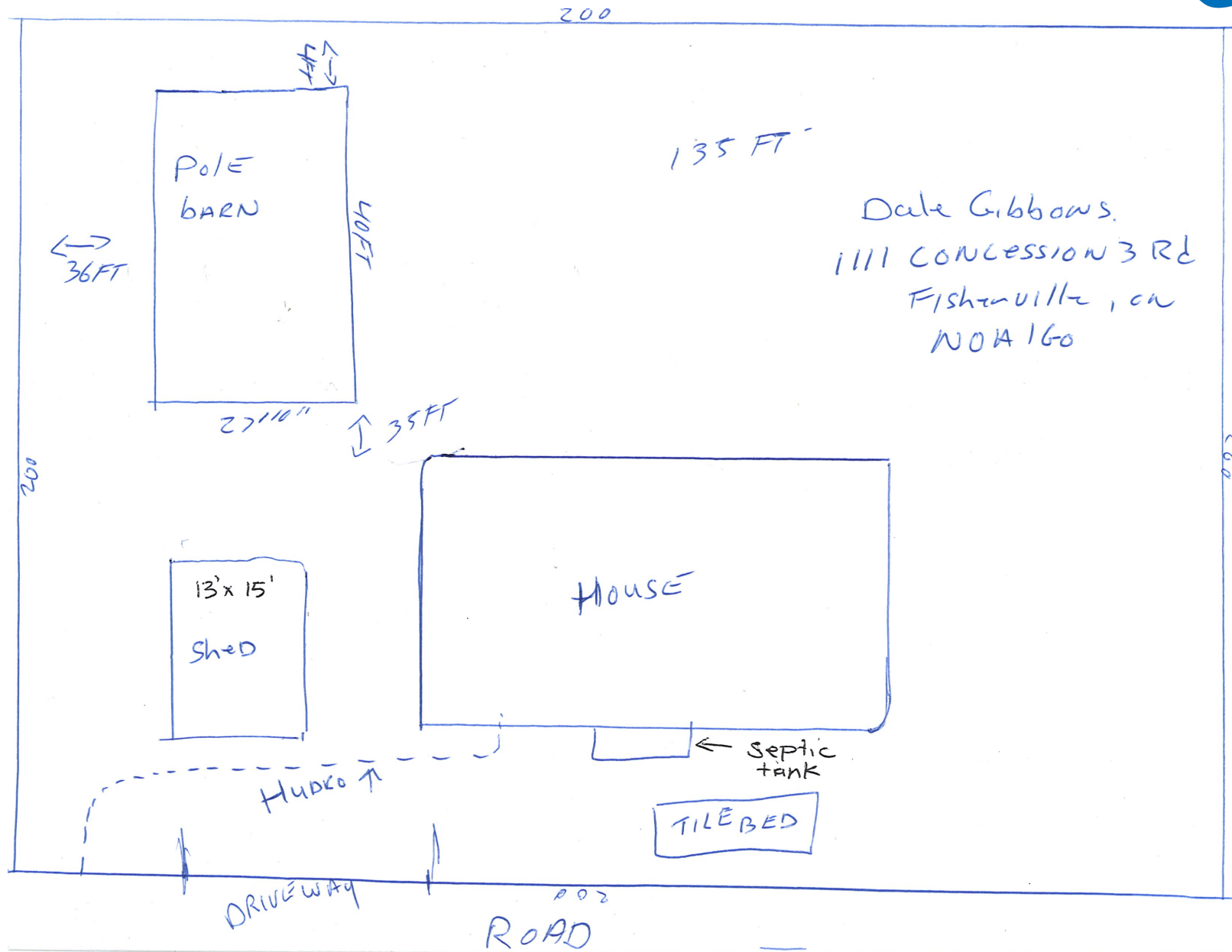
Zoning:

A (Agriculture)

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



Owner's Sketch FILE #PLA-2024-002 APPLICANT: Gibbons





Haldimand County Committee of Adjustment Consent

Meeting Date: February 20, 2024

File Number: PLB-2023-194

Property Roll Number: 2810-158-003-13500-0000

Applicant: 1791311 Ontario inc John Bacher

Agent: Rebecca Moellgaard

Property Location: Concession 5, Part Lot 7, Geographic Township of Rainham, known municipally as 16 Erie Avenue North.

Recommendation

That application PLB-2023-194 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever a parcel of land as boundary adjustment, to add space for the septic system and parking to the benefiting lands located at 8 Erie Avenue North.

Site Features and Land Use:

The subject lands are located on the east side of Erie Avenue N. There is an existing residential unit and accessory structures on the lot. The benefiting lands are located on the east side of Erie Avenue N. There is an existing commercial unit and a parking lot in the back of the property. The surrounding land uses are generally Hamlet Residential, Hamlet Commercial and Agricultural in nature.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: If Planning allows severance, no comments, if they are adding a Class 4 Septic System.

Haldimand County Planning & Development – Development Technologist: Drainage assurance letter required.

Haldimand County Emergency Services: No comments received

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

Hydro One: No comments.

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)

Growth and development opportunities within the settlement area boundary are encouraged in the PPS. The benefitting lands are currently designated “Hamlet” in the Haldimand County Official Plan and zoned “Hamlet Commercial (CH)” in the Haldimand County Zoning By-law 1-2020 and the lands severed from 16 Erie Ave N are designated “Hamlet” and zoned “Agriculture (A).” The subject application is seeking to boundary adjust a portion of lands to a neighbouring property to allow the installation of a septic system.

Both the benefitting lands and the retained lands falls within the Hamlet Boundary. It is the opinion of the planning staff that the proposed boundary adjustment is consistent with the PPS.

A Place to Grow, 2020

The policies of “A Place to Grow” echoes the PPS, and are more broader in nature. The document looks to protect prime agricultural lands and focus development within settlement areas; it does not contain policies that directly speak to boundary

adjustments that would affect this application. It is the opinion of the planning staff that the proposed boundary adjustment does not conflict with the policies of “A Place to Grow”

Haldimand County Official Plan (OP)

The subject lands are designated “Hamlet” in the OP.

Section 4.E.1.4 sets out the criteria that shall be considered when reviewing applications for development within designated hamlets:

4. The Hamlet designation does not necessarily imply that all development proposed will be acceptable and that all sites within the designation are suitable for development. The following general criteria shall be considered when reviewing applications for development within designated hamlets:

a) the traditional form of servicing in the Hamlet areas has been individual water services and on-site sanitary sewage systems designed and installed as per the Ontario Building Code;

Planning Comments: The proposed application is to provide additional lands for a septic system, it is the opinion of Planning staff that this provision has been satisfied.

b) the availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;

Planning Comments: The proposed application is not expected to impact the existing stormwater management facilities and it is the opinion of Planning staff that this provision has been satisfied.

c) new development should be a logical extension of the existing built-up area;

Planning Comments: The proposed application is a boundary adjustment application and it is the opinion of Planning staff that this provision has been satisfied.

d) in-depth development rather than linear development along roads is the preferred form of development in hamlets;

Planning Comments: The proposed application is a boundary adjustment application and it is the opinion of Planning staff that this provision has been satisfied.

e) provision shall be made at appropriate locations to permit access from main roads to second or third tiers of lots behind existing development;

Planning Comments: The proposed application is a boundary adjustment application and it is the opinion of Planning staff that this provision has been satisfied.

f) proximity to, and the potential impact on Natural Environment Areas, Hazard Lands and cultural heritage resources should be addressed; and

Planning Comments: The proposed application does not fall within or is proximity to any Natural Environment Areas, Hazard Lands and cultural heritage resources. It is the opinion of Planning staff that this provision has been satisfied.

g) the standards for separating residential uses from existing, new or expanding livestock facilities shall be the Minimum Distance Separation formulae.

Planning Comments: There are no livestock operation near the proposed boundary adjustment. It is the opinion of Planning staff that this provision has been satisfied.

The proposed boundary adjustment will increase the lot size of the benefitting property to provide additional space for a new septic system. This is considered to be minor in nature and will allow for health and safety to be addressed. The application is considered to conform with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The benefitting lands are zoned “Hamlet Commercial (CH)”, while the subject lands are zoned “Agriculture (A).” The retained lot and the benefitting lands will maintain the minimum required provisions in “A” zone and “CH” zone respectively. The property will have split zoning if the application is approved and is recommended to consolidate the whole property under a single zone in the future.

It is the opinion of Planning staff that the subject application complies with the provisions of the Zoning By-law 1-2020.

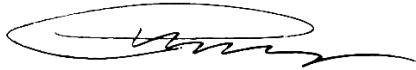
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on February 5, 2024.

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

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

Prepared by:



Chris Tang, B.U.R.P.
Secretary Treasurer
905-318-5932 ext. 6220

Reviewed by:



Shannon VanDalen, MCIP, RPP
Manager, Planning & Development
905-318-5932 ext. 6339

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.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcels become part and parcel of the abutting lands presently owned by SAT PROPERTIES INC and further identified as Roll # 2810-158-003-13800-0000.
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 a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 28.62 metres (93.90 feet), and an area of 0.28 hectare (0.69 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 ctang@haldimandcounty.on.ca and gis@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

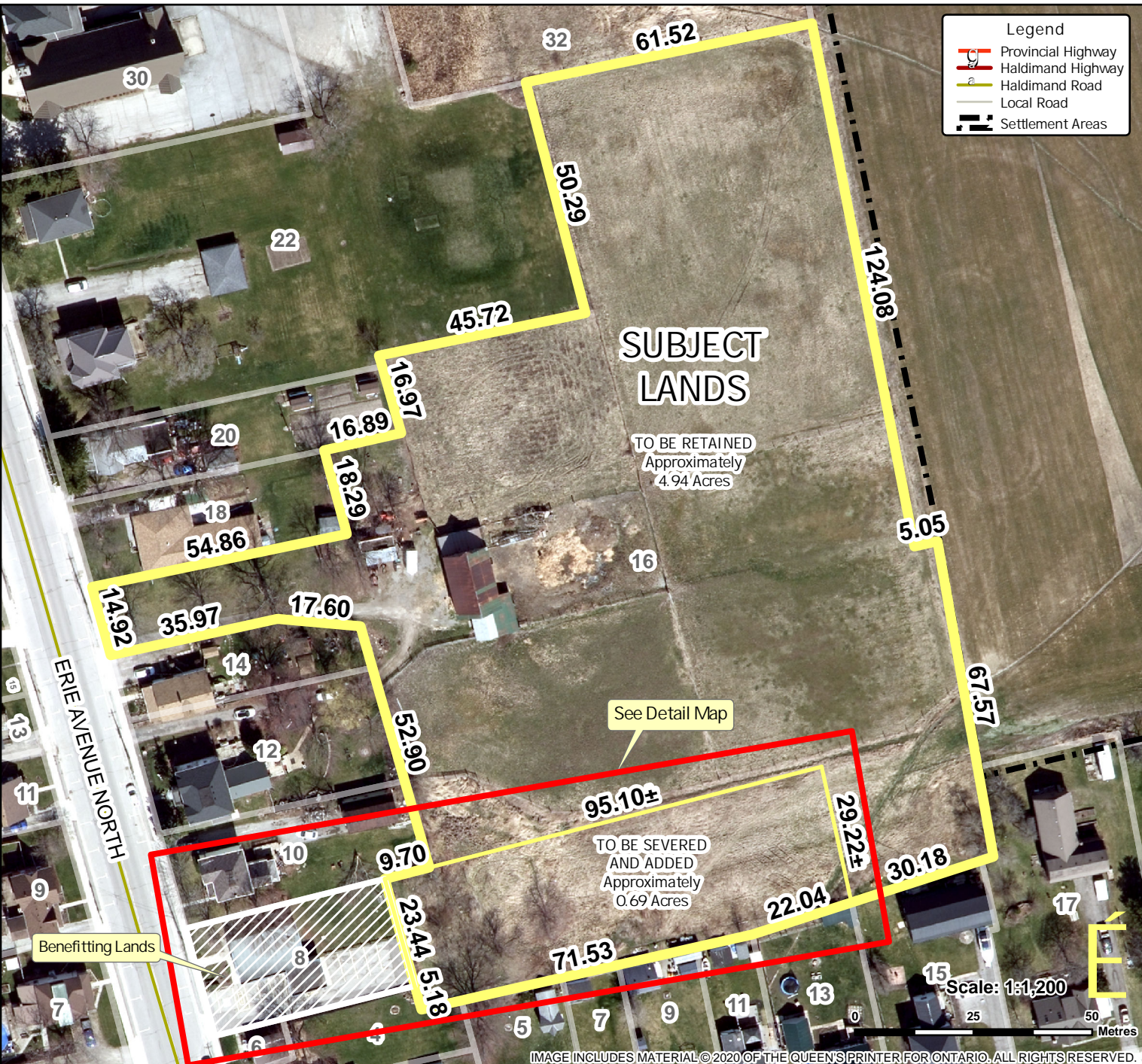
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 20, 2026, after which time this consent will lapse.

File No. PLB-2023-194

1791311 Ontario Inc (c/o John Bacher)

Assessment Roll No. 2810-158-003-13500-0000

Location Map FILE #PLB-2023-194 APPLICANT: 1791311 Ontario Inc.



Location:

**16 ERIE AVENUE NORTH
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2**

Legal Description:

RAINHAM CON 5 PT LOT 7
RP 18R6857 PART 4 PT PART 1

Property Assessment Number:

2810 158 003 13500 0000

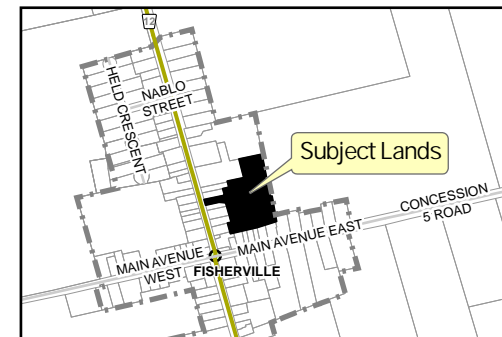
Size:

5.63 Acres

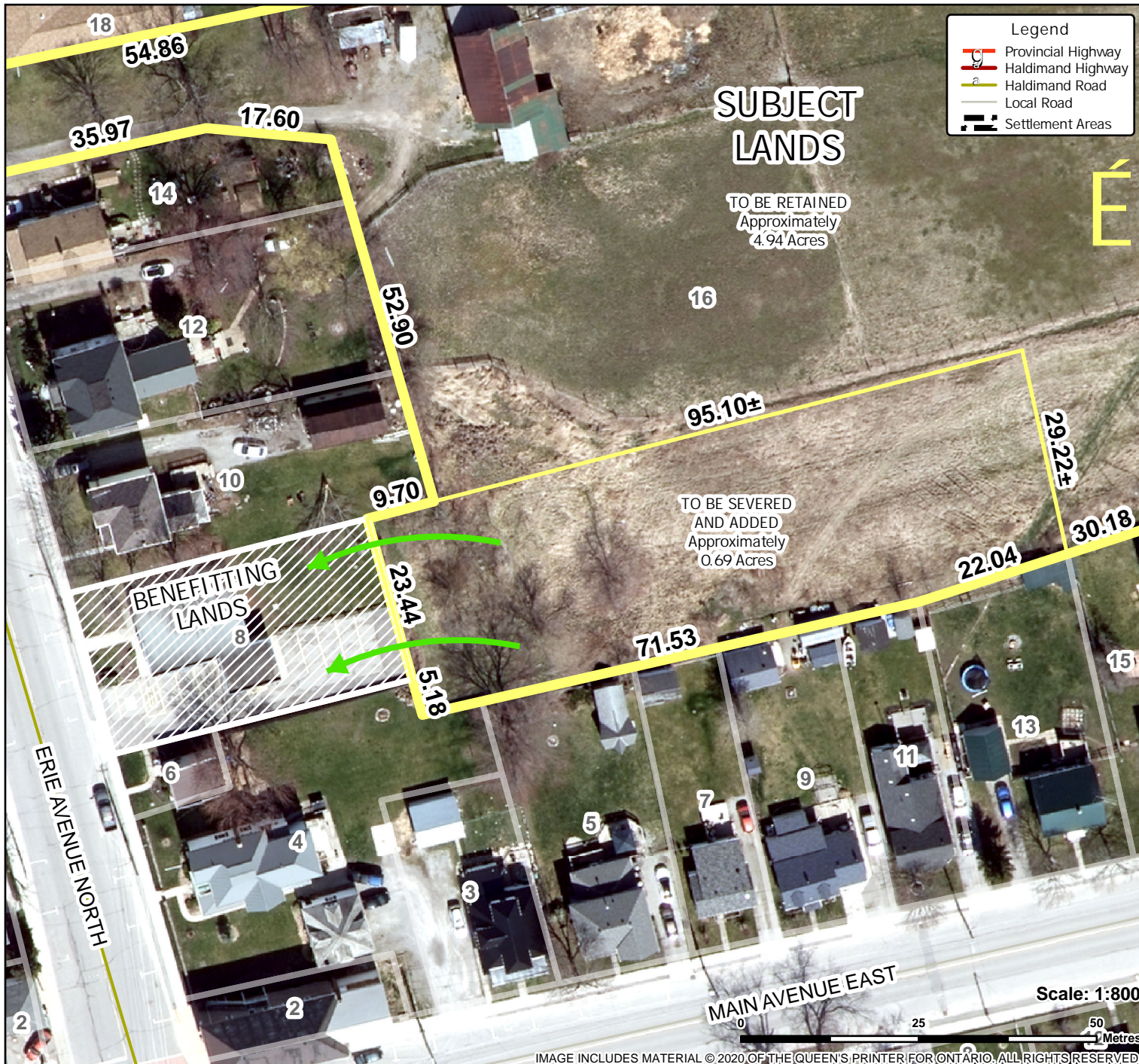
Zoning:

A (Agriculture) & RH (Hamlet Residential)

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Detail Map FILE #PLB-2023-194 APPLICANT: 1791311 Ontario Inc.



Location:

**16 ERIE AVENUE NORTH
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2**

Legal Description:

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Property Assessment Number:

2810 158 003 13500 0000

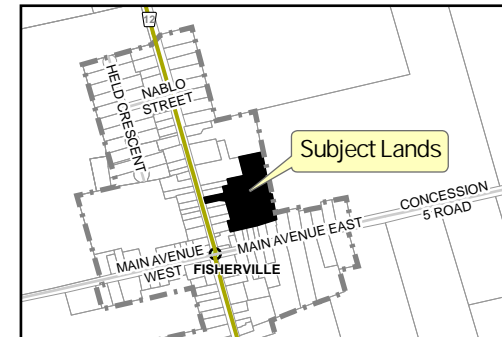
Size:

5.63 Acres

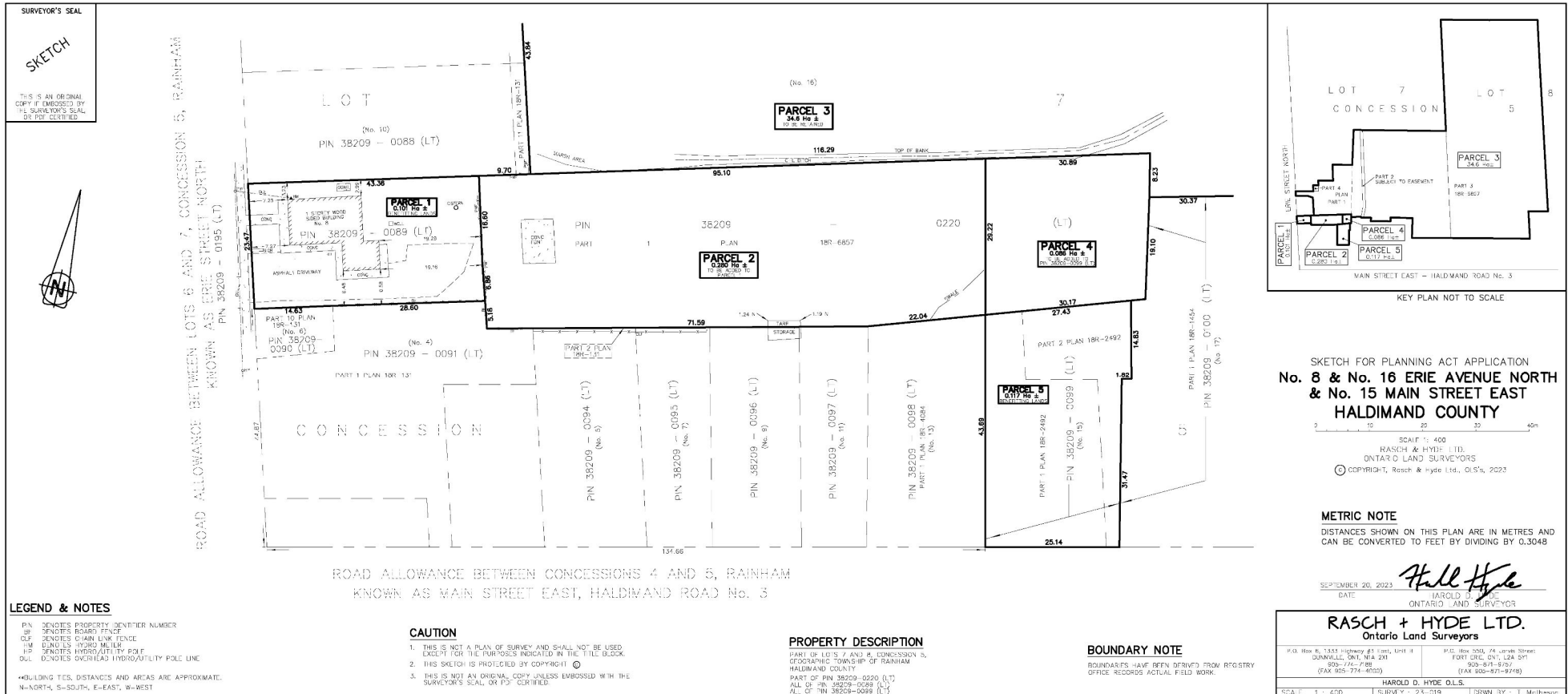
Zoning:

A (Agriculture) & RH (Hamlet Residential)

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Owner's Sketch FILE #PLB-2023-194 APPLICANT: 1791311 Ontario Inc.





Haldimand County Committee of Adjustment Consent

Meeting Date: February 20, 2024

File Number: PLB-2023-207

Property Roll Number: 2810-158-003-13500-0000

Applicant: 1791311 Ontario (c/o John Bacher)

Agent: Lucas Leyland

Property Location: Concession 5, Part Lot RP, 18R2492 PARTS 1 & 2,
Geographic Township of Rainham, Haldimand County, and
known municipally as 15 Main Ave E

Recommendation

That application PLB-2023-207 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 Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever a parcel of land as boundary adjustment, the reason for the adjustment is to allow for the benefitting lands to add a little more land to bring the boundary away from the existing accessory building and add additional amenity space.

Site Features and Land Use: The subject lands are located on the east side of Erie Avenue N. There is an existing residential unit and accessory structures on the lot. The benefitting lands are located on the north side of Main Ave E. There is an existing residential dwelling on site. The surrounding land uses are generally Hamlet Residential, Hamlet Commercial and Agricultural in nature.

Existing Intensive Livestock Operations: Not applicable – no livestock operations in the area.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Size of barn to be reviewed if any other Accessory Buildings required in future.

Haldimand County Planning & Development – Development Technologist: No comments

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

Provincial Policy Statement, 2020 (PPS)

Growth and development opportunities within the settlement area boundary are encouraged in the PPS. The benefitting lands are currently designated “Hamlet” in the Haldimand County Official Plan and zoned “Hamlet Residential (RH)” in the Haldimand County Zoning By-law 1-2020 and the lands severed from 16 Erie Ave N are designated “Hamlet” and zoned “Agriculture (A).” The subject application is seeking to boundary adjust a portion of lands to a neighbouring property to allow the installation of a septic system.

Both the benefitting lands and the retained lands falls within the Hamlet Boundary. It is the opinion of the planning staff that the proposed boundary adjustment is consistent with the PPS.

A Place to Grow, 2020

The policies of “A Place to Grow” echoes the PPS, and are more broader in nature. The document looks to protect prime agricultural lands and focus development within settlement areas; it does not contain policies that directly speak to boundary adjustments that would affect this application. It is the opinion of the planning staff that the proposed boundary adjustment does not conflict with the policies of “A Place to Grow”

Haldimand County Official Plan (OP)

The subject lands are designated “Hamlet” in the OP.

Section 4.E.1.4 sets out the criteria that shall be considered when reviewing applications for development within designated hamlets:

4. The Hamlet designation does not necessarily imply that all development proposed will be acceptable and that all sites within the designation are suitable for development. The following general criteria shall be considered when reviewing applications for development within designated hamlets:

a) the traditional form of servicing in the Hamlet areas has been individual water services and on-site sanitary sewage systems designed and installed as per the Ontario Building Code;

Planning Comments: The benefiting lands contains an existing septic system, it is the opinion of Planning staff that this provision has been satisfied.

b) the availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;

Planning Comments: The proposed application is not expected to impact the existing stormwater management facilities and it is the opinion of Planning staff that this provision has been satisfied.

c) new development should be a logical extension of the existing built-up area;

Planning Comments: The proposed application is a boundary adjustment application and it is the opinion of Planning staff that this provision has been satisfied.

d) in-depth development rather than linear development along roads is the preferred form of development in hamlets;

Planning Comments: The proposed application is a boundary adjustment application and it is the opinion of Planning staff that this provision has been satisfied.

e) provision shall be made at appropriate locations to permit access from main roads to second or third tiers of lots behind existing development;

Planning Comments: The proposed application is a boundary adjustment application and it is the opinion of Planning staff that this provision has been satisfied.

f) proximity to, and the potential impact on Natural Environment Areas, Hazard Lands and cultural heritage resources should be addressed; and

Planning Comments: The proposed application does not fall within or is proximity to any Natural Environment Areas, Hazard Lands and cultural heritage resources. It is the opinion of Planning staff that this provision has been satisfied.

g) the standards for separating residential uses from existing, new or expanding livestock facilities shall be the Minimum Distance Separation formulae.

Planning Comments: There are no livestock operation near the proposed boundary adjustment. It is the opinion of Planning staff that this provision has been satisfied.

Haldimand County Zoning By-law HC 1-2020

The benefiting lands are zoned “Hamlet Residential (RH)” and the retained lands are zoned “Agriculture (A).” The retained lot and the benefitting lands will maintain the minimum required provisions in “A” zone and “RH” zone respectively. The property will have split zoning if the application is approved and is recommended to consolidate the whole property under a single zone in the future.

It is the opinion of Planning staff that the subject application complies with the provisions of the Zoning By-law 1-2020.

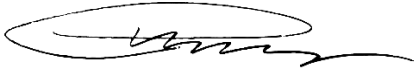
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on February 7, 2024.

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

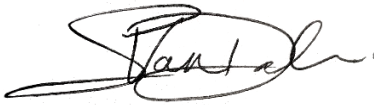
Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report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

Prepared by:



Chris Tang, B.U.R.P.
Secretary Treasurer
905-318-5932 ext. 6220

Reviewed by:



Shannon VanDalen, MCIP, RPP
Manager, Planning & Development
905-318-5932 ext. 6339

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.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcels become part and parcel of the abutting lands presently owned by Leyland Lucas and Leyland Jennifer and further identified as Roll # 2810-158-003-14800-0000.
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 a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 27.44 metres (90.03 feet), and an area of 0.28 hectare (0.21 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 ctang@haldimandcounty.on.ca and gis@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

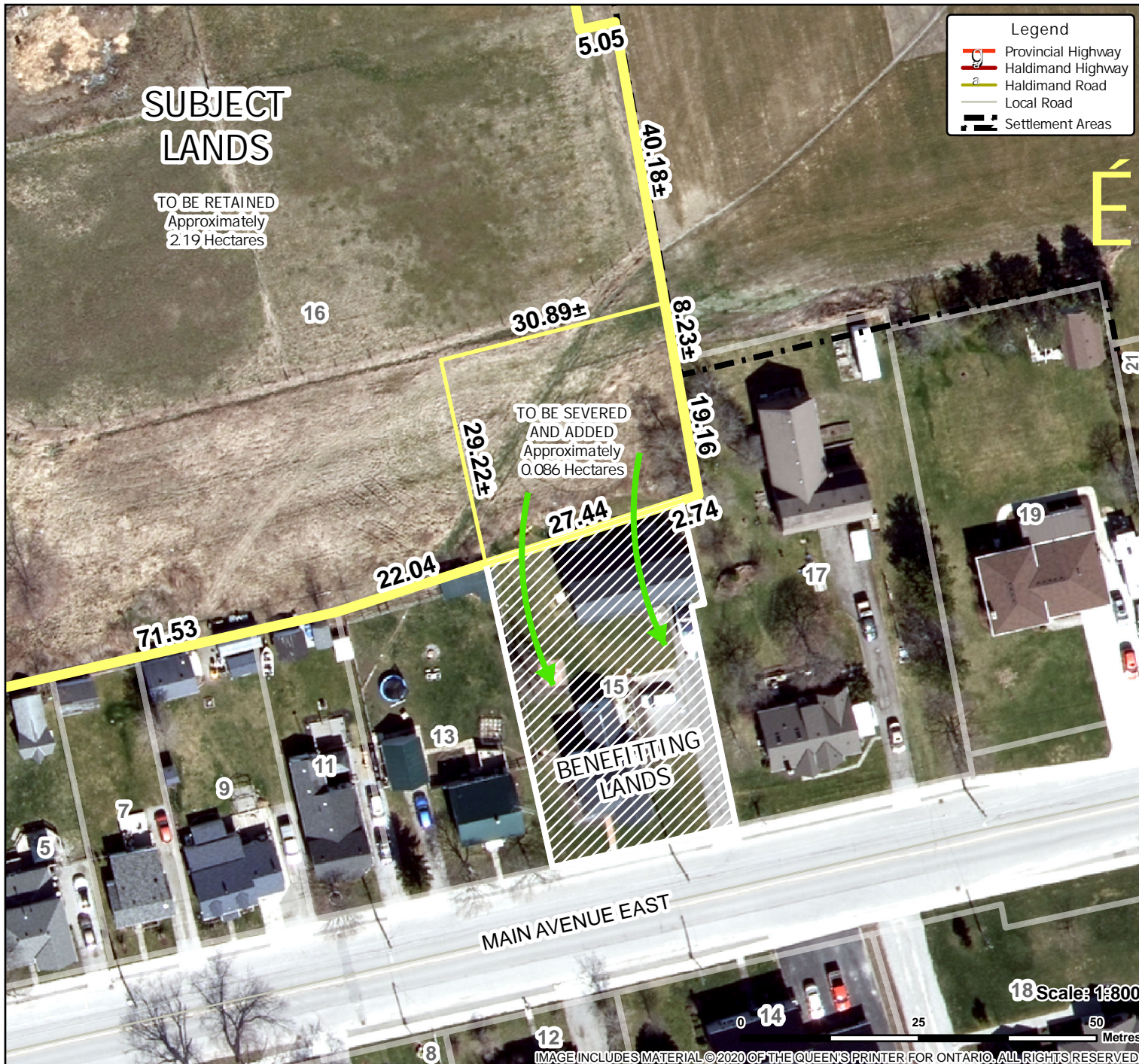
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 20, 2026, after which time this consent will lapse.

File No. PLB-2023-207

1791311 Ontario Inc. (c/o John Bacher)

Assessment Roll No. 2810-158-003-13500-0000

Detail Map FILE #PLB-2023-207 APPLICANT: Leyland



Location:

**16 ERIE AVENUE NORTH
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2**

Legal Description:

**RAINHAM CON 5 PT LOT 7
RP 18R6857 PART 4 PT PART 1**

Property Assessment Number:

2810 158 003 13500 0000

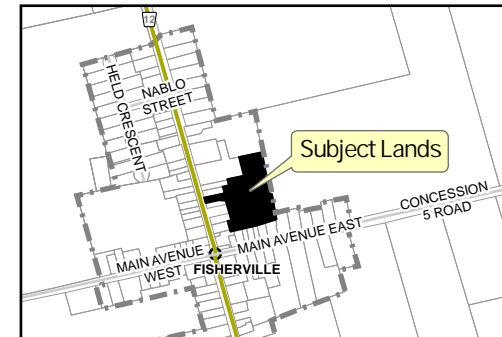
Size:

2.28 Hectares

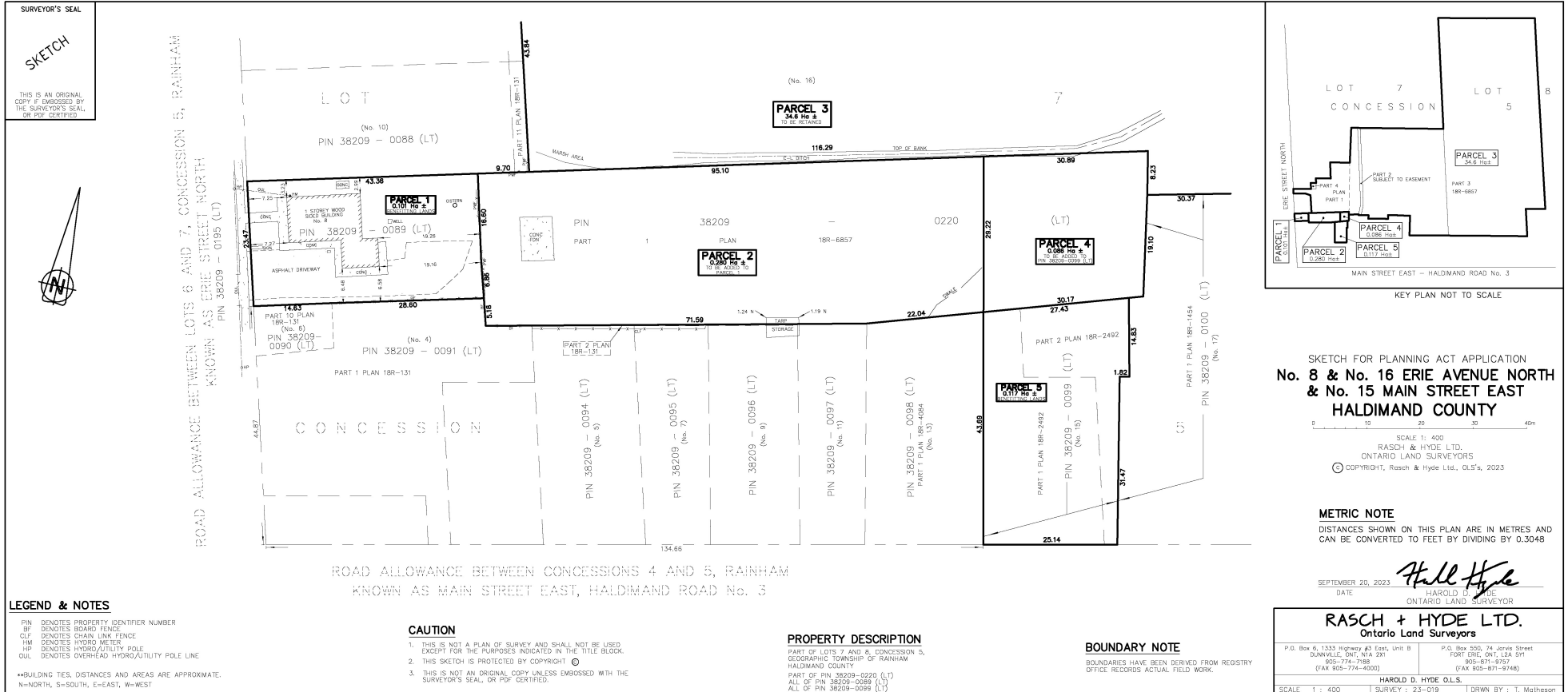
Zoning:

A (Agriculture) & RH (Hamlet Residential)

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Owner's Sketch FILE #PLB-2023-207 APPLICANT: Leyland





Haldimand County Committee of Adjustment Consent

Meeting Date: February 20, 2024

File Number: PLB-2023-221

Property Roll Number: 2810-022-001-044000000

Applicant: Ruigrok Acres (1791852 Ont. Inc.)

Agent: Kim Hessels

Property Location: Concession 3 Part Lot 8, RP 18R7388 Part 2, Geographic Township of Canborough, Haldimand County. The property does not have an assigned municipal address.

Recommendation

That application PLB-2023-221 be *refused*. The application is not consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and does not conform to the intent of the Haldimand County Official Plan.

Details of the Submission

Proposal: The application proposes that approximately 0.3 hectares (0.74 acres) be severed from the subject lands, which has an approximate area of 21 hectares (52 acres), and added to the benefitting lands (7393 Highway 3). The subject application proposes the severance of approximately 0.3 hectares (0.74 acres) from the subject property to be added to the Benefitting Lands, which are approximately 0.6 hectares (1.54 acres) in area. If approved the Benefitting Lands (7393 Highway 3) would increase in area to approximately 0.9 hectares (2.2 acres) in area.

Site Features and Land Use: The subject lands owned, owned by Marc Ruigrok, are divided into two parcels, by a strip of land in different ownership. The north parcel, which is irregularly shaped, is approximately 13 hectares (32 acres) in area and has approximately 131 metres (430 feet) of frontage on the east side of Highway 3. The south

parcel, triangular in shape, is approximately 8 hectares (20 acres) in area and has no road frontage. Neither parcel contain any buildings or structures.

A significant portion of the subject property (north and south parcels) is occupied by drainage features, hazard lands and wetlands, and regulated by the Niagara Peninsula Conservation Authority (NPCA). It is worth noting that although much of the proposed lands to be severed and the benefitting lands are identified as hazard lands, they fall outside of the areas regulated by the NPCA.

The proposed benefitting lands, 7393 Highway 3, is a lot approximately 0.56 hectares (1.54 acres) in area with approximately 61 metres (200 feet) of frontage on the east side of Highway 3.

The application proposes to follow the rear lot line of 7393 Highway 3 southwards to the south lot line of the subject lands. During the site visit by staff, two things were noted. First, it appeared that the lands proposed to be severed for the lot addition have been farmed as crop land, and second that a small portion of these lands may be intermittently inundated with water. There was a small pool of water on these lands at the time of the site visit.

The surrounding lands are predominantly agricultural lands with a few residential lots to the north and south fronting on Highway 3.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Review DUN37.330 & 751-HC11 "Surplus Farm Dwelling Severance Properties" by-law relates to this property. No single family detached dwelling allowed and home based business.

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

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 comments received

Municipal Property Assessment Corporation: No comments received

Mississaugas of the Credit: No comments received

Six Nations: No comments received

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The subject property and the benefitting lands are designated Agricultural.

The policies of the PPS are highly protective of agricultural land. Section 2.3.4 of the PPS sets out policies with respect to Lot Creation and Lot Adjustments in Agricultural Areas.

“2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.”

The PPS includes the following definition for legal or technical reasons:

“Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”

Given the current PPS policies, Staff are of the opinion that the proposed lot adjustment is not minor because it would remove land that can be and is actively farmed out of production. Therefore, staff are of the opinion that the subject application is not consistent with the current policies of the PPS.

A Place to Grow, 2020

A Place to Grow does not have policies specifically addressing lot additions in agricultural areas.

Staff are of the opinion that the subject application does not conflict with the policies of A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designated Agricultural on Official Plan Schedule A.3.

The OP includes policies for lot creation in Section 5.H of the OP. Boundary adjustments are specifically addressed in section 5.H.3.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.”

The OP defines legal or technical reasons has adopted the definition from the PPS:

“*Legal or technical reasons*: means severances for purposes such as easements, correction of deeds, quit claims, minor boundary adjustments, which do not result in the creation of a new lot (Source: Provincial Policy Statement 2005).

Given that the lands proposed to be severed are suitable for agricultural production and have been used as such, staff are of the opinion that the proposed lot addition would take farm land out of production and therefore the subject application is not minor. Staff are of the opinion that the subject application does not maintain the general intent and purpose of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject property is zoned “Agricultural (A)” and “Wetland (W)” with a Natural Hazard Lands overlay. The lands to be severed, as well as the Benefitting Lands, are located at the west end of the property. Although the lands subject to the application are located within lands identified as Hazard, they are located outside of the areas of the property zoned “Wetland (W)” and regulated by the Niagara Peninsula Conservation Authority (NPCA).

The purpose of the subject application is to increase the area of the benefiting lands. As noted above, approximately 0.3 hectares (0.74 acres) is proposed to be severed from the subject lands and added to the benefiting lands 0.58 hectares (1.45 acres). If approved the Benefitting Lands (7393 Highway 3) would increase in area to approximately 0.9 hectares (2.2 acres) in area.

The proposed retained lot, as well as the existing benefiting lands, meet the zoning standards.

Planning staff are of the opinion that the proposed boundary adjustment conforms with the Zoning By-law.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on February 6, 2024.

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 agent that they understand the nature of and content contained within the recommendations. and a copy of the staff report was provided. .

Prepared by:



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

Reviewed by:



Shannon VanDalen, MCIP, RPP
Manager, Planning & Development
905-318-5932 ext. 6339

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.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcels become part and parcel of the abutting lands presently owned by Koetsier Michael William and further identified as Roll # 2810-022-001-04403-0000.
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 a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 46.34 metres (152.03 feet), and an area of 0.3 hectare (0.74 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 ctang@haldimandcounty.on.ca and gis@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

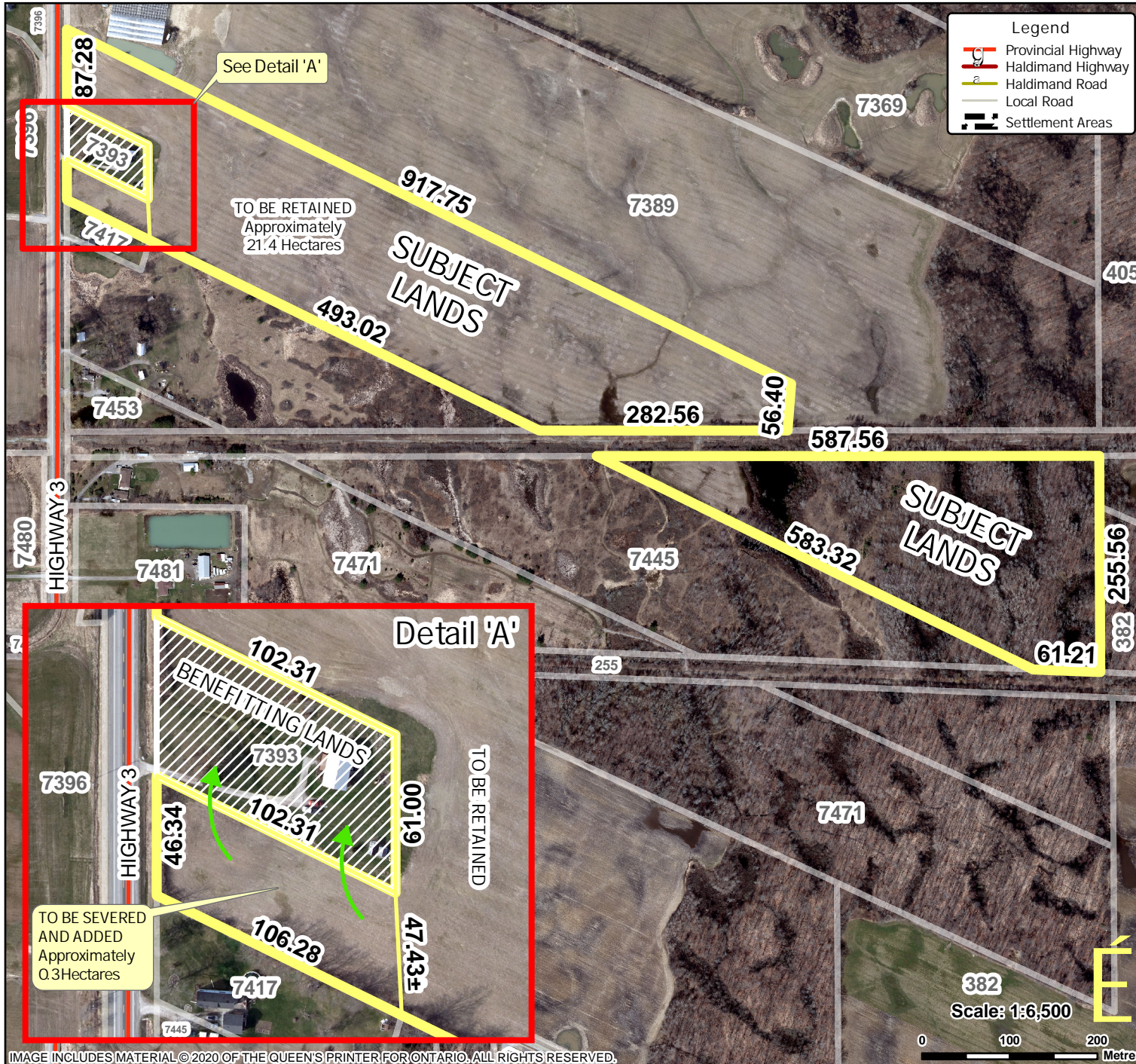
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 20, 2026, after which time this consent will lapse.

File No. PLB-2023-221

1791852 Ontario Inc. (c/o Marc Ruigrok)

Assessment Roll No. 2810-022-001-044000

Location Map FILE #PLB-2023-221 APPLICANT: Koetsier



Location:

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

Legal Description:

**CANBOROUGH CON 3 PT LOT 8
RP 18R7388 PART 2**

Property Assessment Number:

2810 022 001 04400 0000

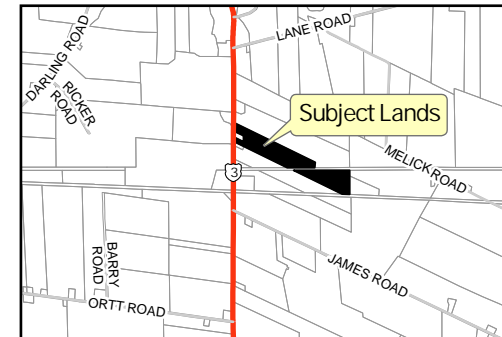
Size:

21.70 Hectares

Zoning:

A (Agriculture), W (Wetland), NPCA Regulated Lands, NPCA Wetland, HCOP Riverine Hazard Lands, HCOP Natural Environment Wetland Area

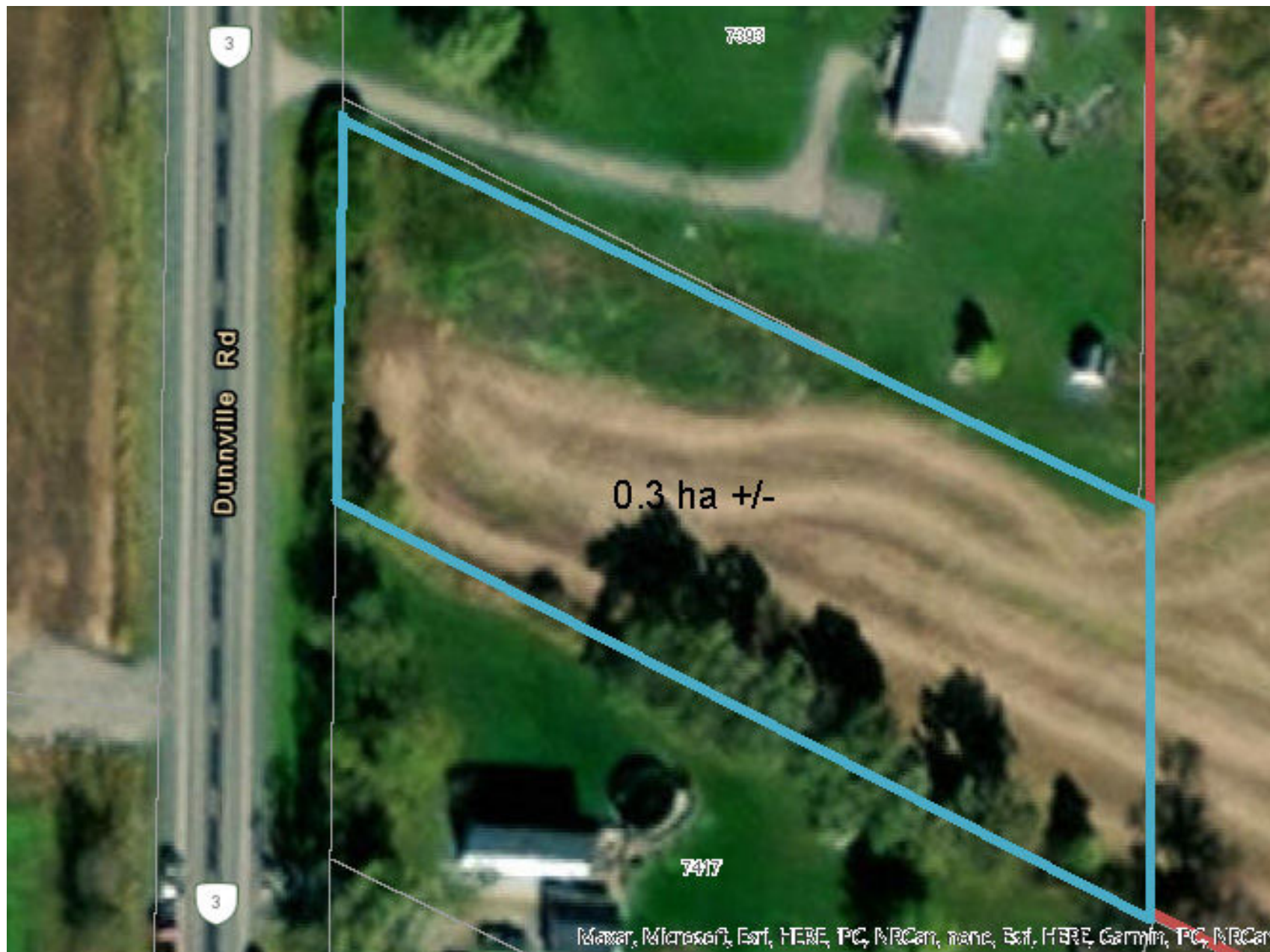
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



Owner's Sketch 1 of 2 FILE #PLB-2023-221 APPLICANT: Koetsier



Owner's Sketch 2 of 2 FILE #PLB-2023-221 APPLICANT: Koetsier





Haldimand County Committee of Adjustment Consent

Meeting Date: February 20, 2024
File Number: PLB-2024-005
Property Roll Number: 2810-332-002-828000000
Applicant: Sheppland Farms Ltd.
Agent: Scott Sheppard
Property Location: Concession 4, Part Lot 21, Geographic Township of Walpole, Haldimand County, and municipally known as 1675 Concession 3

Recommendation

That application PLB-2024-005 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 104.85 metres (344 feet) and will contain an area of 1.34 hectares (3.3 acres). The retained parcel will contain an area of approximately 19 hectares (47 acres).

Site Features and Land Use: The subject property is approximately 19.82 hectares (48.97 acres) in area, with approximately 244 metres (800 feet) of frontage on the north side of Concession 3.

There is an existing single detached dwelling, a pond and three sheds/barns on the subject property. The subject application proposes to sever a lot with the all these features

from the subject property. The single detached dwelling is serviced by private water (cistern) and a septic system.

Surrounding land uses are predominantly agricultural with a several residential uses fronting on Concession 3 to the east and west.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Accessory buildings area is 201 m² for 0.90 ha / 9031 m² / 2.23 ac if to remain no other accessory buildings can be added to property. Septic Evaluation approved.

Haldimand County Planning & Development – Development Technologist: No Comments

Haldimand County Emergency Services: No comments received

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

Municipal Property Assessment Corporation: No comments received

Mississaugas of the Credit: No comments received

Six Nations: No comments received

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The subject lands are designated '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 greater than 10 years ago. 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 1.34 hectares (3.3 acres) in area. It exceeds the standard set out in the OP. The wording of the OP policy above states that the severance shall generally be 0.4 hectares to 0.6 hectares (1 acre to 1.5 acres) in size. In this case, the proposed lot size is approximately 1.34 hectares (3.3 acres).

Originally, the applicant submitted an application proposing a smaller lot size than is currently before the Committee of Adjustment. Staff were concerned that the smaller lot size left an unfarmable and awkward remnant of land between the existing lot and the proposed surplus farm dwelling severance. The applicant agreed that the remnant could not be farmed but suggested that the owner of the existing lot or the future severed lot could/would maintain it. Staff were concerned about potential future conflicts. At staff's suggestion the applicant agreed to enlarge the proposed lot. The proposed surplus farm dwelling lot, if approved, would share a lot line with the existing lot.

The intent of the OP policy generally requiring a lot size between 0.4 (1.0 acre) and 0.6 hectares (1.5 acres) is to prevent the loss of productive farm. In this case, the land between the existing lot and the farm dwelling proposed to be severed is not farmed. Staff accept the applicant's explanation that these lands cannot be farmed because they are too narrow to operate farm equipment on.

Staff are of the opinion, given the circumstances in this situation, that a larger lot is preferable to the alternative of a remnant parcel of land that cannot be farmed and for which future maintenance could become a source of conflict. Staff are of the opinion that the subject application, as revised, conforms with the intent of this policy.

- 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 system for sewage treatment.

- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;

Planning Comment: It is the opinion of planning staff that the proposed lot will not adversely affect the operation or viability of the farm operation on the surrounding or remaining lands.

- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted;

Planning Comment: The applicant indicates that there are no livestock operation within 750 metres (2460 feet) of the subject lands. No livestock were observed within the area of the subject site at the time of site inspection. Staff are satisfied that the subject application meets the Minimum Distance Separation guidelines.

- 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 and retained lots will have frontage on an existing public road, known municipally as Concession 3.

- g) Potential impacts on natural environment areas and/or cultural resources shall be assessed and addressed, where necessary.

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

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

Haldimand County Zoning By-law HC 1-2020

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

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on February 6, 2024.

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:



Shannon VanDalen, MCIP, RPP
Manager, Planning & Development
905-318-5932 ext. 6339

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 final approval of the required zoning amendment (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.
4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the retained parcel. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 60.96 metres (200.00 feet) and will contain an area of 0.89 hectares (2.20 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 ctang@haldimandcounty.on.ca and gis@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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 20, 2026, after which time this consent will lapse.

File No. PLB-2024-005

SHEPPLAND FARMS LTD

Assessment Roll No. 2810-332-002-82800-0000

Location Map FILE #PLB-2024-005 APPLICANT: Sheppland Farms Ltd



Location:

**1675 CONCESSION 3 WALPOLE
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

WAL CON 4 PT LOT 21

Property Assessment Number:

2810 332 002 82800 0000

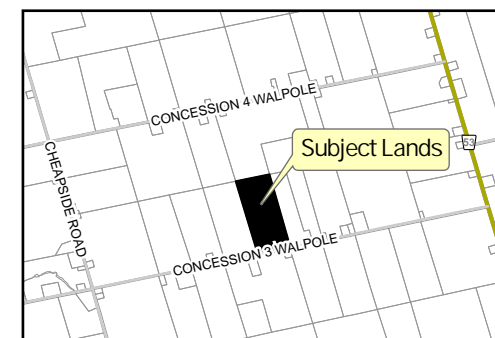
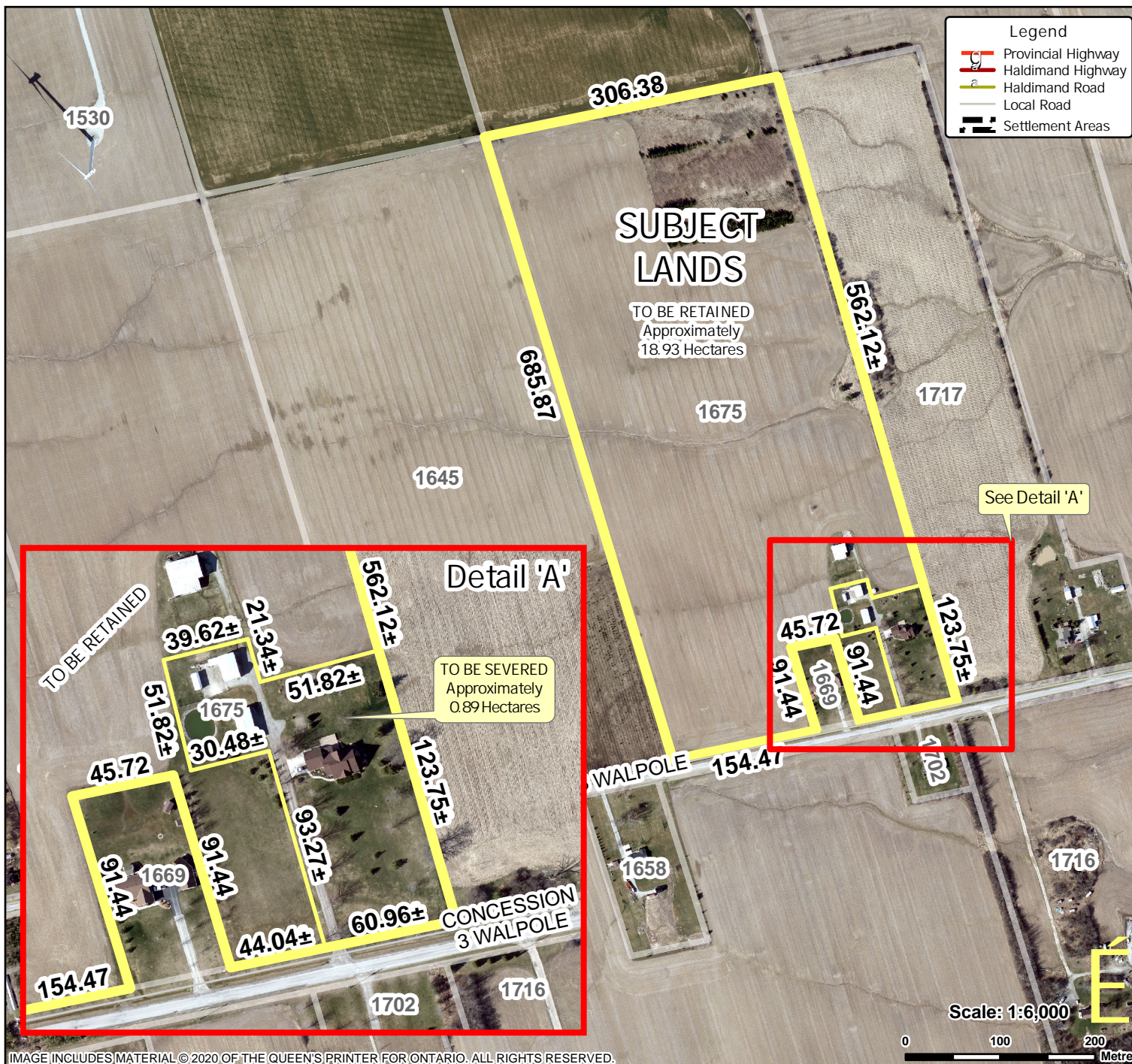
Size:

19.82 Hectares

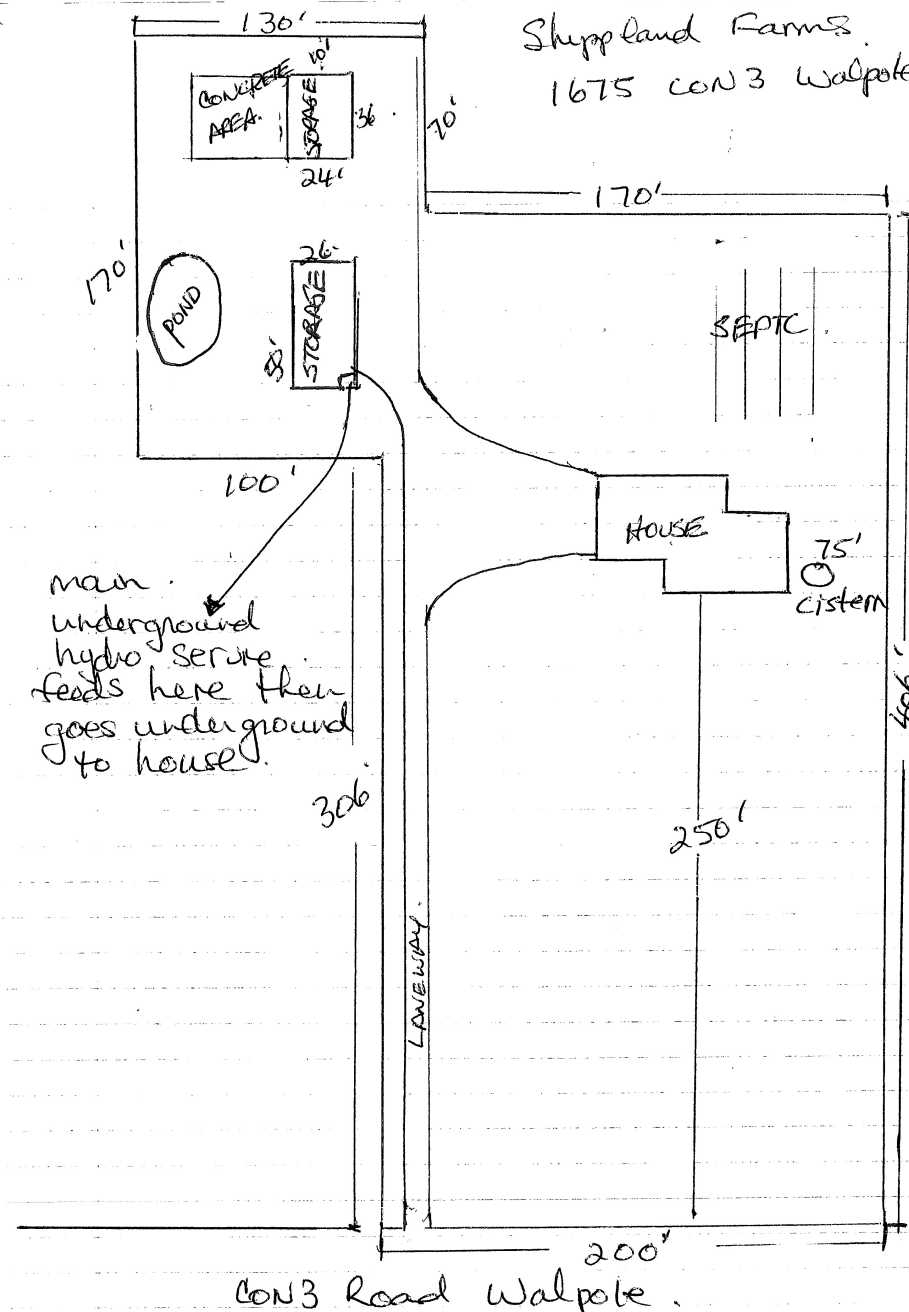
Zoning:

A (Agriculture)

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Owner's Sketch 1 of 2 FILE #PLB-2024-005 APPLICANT: Sheppland Farms Ltd



Owner's Sketch 2 of 2 FILE #PLB-2024-005 APPLICANT: Sheppland Farms Ltd

