



## Haldimand County Committee of Adjustment Consent

**Meeting Date:** December 19, 2023

**File Number:** PLB-2023-177

**Property Roll Number:** 2810-021-003-04500

**Applicant:** Allan and Monica Augustine

**Agent:** Ritee Haider

**Property Location:** Concession 4 South of Dover Road, Part Lots 22, 23 and 24, Registered Plan 18R6608 Part 5 and Part of Parts 1, 2 and 3, Geographic Township of Dunn, known municipally as 96 Lighthouse Drive

### Recommendation

That application PLB-2023-177 be deferred because the Public Notice Sign was not posted within the timeline required by the *Planning Act*. 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 lands located within the hamlet of Port Maitland for future residential development. The severed lands (shown as “Parcel 1” on the applicant’s sketch) will have a frontage of approximately 490.58 metres (1609.5 feet) along Lighthouse Drive, and contain an area of approximately 5.88 hectares (14.5 acres). The retained parcel (shown as “Parcel 2” on the applicant’s sketch) will contain an area of approximately 42.65 hectares (105.4 acres).

**Site Features and Land Use:** The subject site is approximately 48.5 hectares (119.85 acres) in area, and the entire south lot line has frontage along Lighthouse Drive, some of which is within the hamlet of Port Maitland. The north lot line of the subject property runs along Kings Row. Most of the subject property is farmed agricultural land.

Part of the subject property is occupied by Riverine Hazard lands located in the middle of the property towards the east lot line. A significant portion of the east side of the property is hazard land regulated by the Grand River Conservation Authority.

The Hamlet of Port Maitland settlement area boundary runs from east to west across the middle of the property. Approximately two thirds of the way through the property, the settlement area boundary dips south to the Lake Erie shoreline. For the most part, the northern edge of the settlement area boundary lies to the south the of the Riverine Hazard lands.

An easement for a 900mm water main runs from east to west through the middle of the subject property. The easement is located to the south of the Riverine Hazard lands, and runs roughly along and just south edge of the settlement area boundary. The location of the easement is shown on the applicant's sketch.

The proposed severed lot (shown as Part 1 on the Applicant's sketch) includes all the of the subject lands located in the settlement area boundary, from the south edge of the easement to Lighthouse Drive.

Surrounding land use include: residential, institutional (church and cemetery), then Lake Erie to the south; residential uses to the east; and, predominantly agricultural uses to the north and west.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

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

**Haldimand County Planning & Development – Development Technologist:** Direct runoff to watercourse assurances (in lieu of grading plan), and an entrance permit for the severed lot.

**Haldimand County Emergency Services:** No comments received.

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

**Grand River Conservation Authority:** No comments received at this time.

**Ministry of Transportation:** 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)**

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 the subject application 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:** With an area of approximately 5.88 hectares (14.5 acres) for the severed lot and an area of approximately 42.65 hectares (105.4 acres) for the retained lot, staff are satisfied that both lots are appropriately sized.

- 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 severed and retained lots, would be serviced by private water (cistern), and septic system. Staff are satisfied that the subject application conforms with this policy.

- 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 severed and retained lots would have frontage on Lighthouse Drive, a publicly owned and maintained road. A condition of consent would be to obtain an entrance permit for the severed lot from the Roads Division.

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

**Staff comment:** This application would result in two lots where there is currently one, the severed lot plus the retained lot.

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**

The proposed severed and retained lots significantly exceed the minimum lot size (0.1855 hectares or 0.46 acres) and minimum lot frontage (30.0 metres or 98.4 feet) requirements for the Hamlet Residential (RH) Zone in Table 6.2a of Haldimand County Zoning By-law HC 1-2020.

Staff are satisfied that the subject application conforms to the standards of the Zoning By-law.

### **Notice Sign, Public Consultation, and Applicant Discussion**

A public notice sign was posted on December 11, 2023, not in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

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:



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

Reviewed by:



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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 letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, for further clarification.
4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the severed lot. 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 490.58 metres (1609.5 feet) and contain an area of approximately 5.88 hectares (14.5 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 19, 2025, after which time this consent will lapse.

***File No. PLB-2023-177***

***AUGUSTINE, Allan and Monica***

***Assessment Roll No. 2810-021-003-04500***



# Location Map FILE #PLB-2023-177 APPLICANT: Augustine



**Legend**

- Provincial Highway
- Haldimand Highway
- Haldimand Road
- Local Road
- Settlement Areas

**Location:**  
**36 LIGHTHOUSE DRIVE**  
**GEOGRAPHIC TOWNSHIP OF DUNN**  
**WARD 5**

**Legal Description:**  
**DUNN CON 4 SDR PT LOTS 23 AND 24 RP**  
**18R6608 PT PARTS 1 TO 4**

**Property Assessment Number:**  
**2810 021 003 05800 0000**

**Size:**  
**59.77 Acres**

**Zoning:**  
**A (Agriculture), GRCA Regulated Lands,**  
**GRCA Wetlands & IPZ (Intake Protection**  
**Zone - Type 2)**

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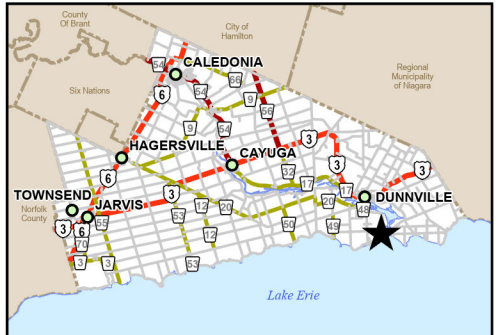
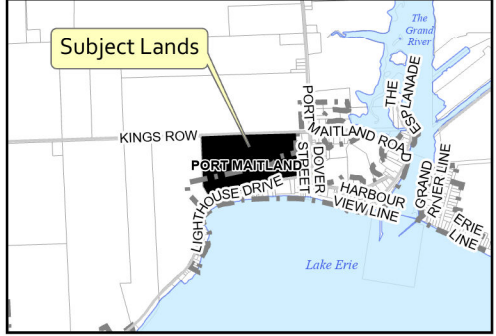
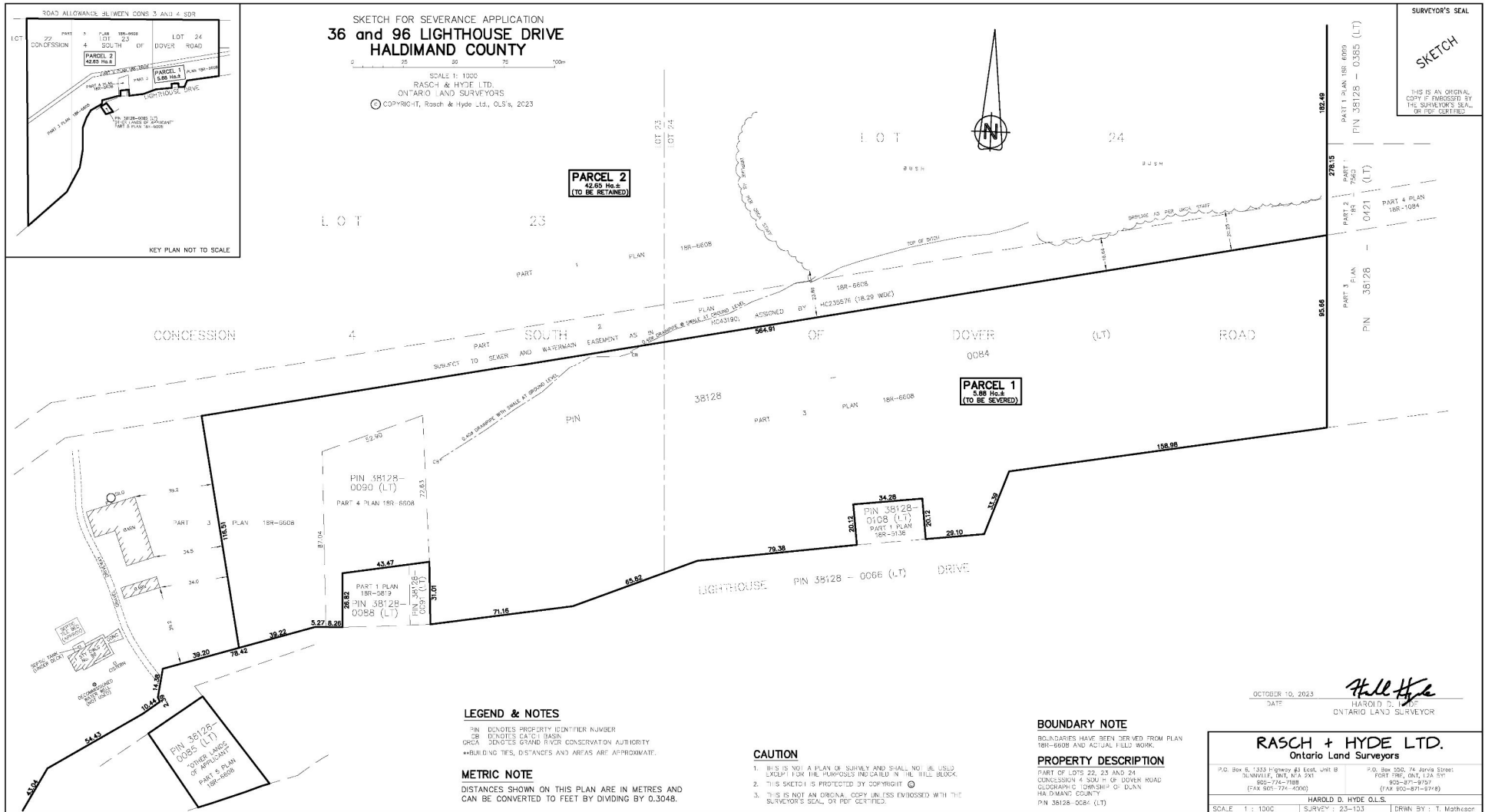


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# Owner's Sketch FILE #PLB-2023-177 APPLICANT: Augustine





## Haldimand County Committee of Adjustment Consent

**Meeting Date:** December 19, 2023  
**File Number:** PLB-2023-185  
**Property Roll Number:** 2810-154-003-12750  
**Applicant:** Brian Laidlaw  
**Agent:** Bruce MacDonald  
**Property Location:** Plan 905, Block 38, Lot 10, Part of Athens Street, Urban Area of Hagersville, known municipally as 31 Sherring Street North

### Recommendation

That application PLB-2023-185 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

### Details of the Submission

**Proposal:** The applicant proposes to sever a lot for future residential development. The severed lands will have a frontage of approximately 20.1 metres (65.9 feet) and contain an area of approximately 809 square metres (0.2 acres). The retained parcel will have a frontage of 18.11 metres (59.42 feet) and contain an area of approximately 735 square metres (0.18 acres).

**Site Features and Land Use:** The subject property, 31 Sherring Street North, has an area of approximately 1,544 square metres (0.38 acres) and frontage on the west side of Sherring Street of 38.21 metres (125.32 feet). The south half of the subject property has been improved with a small single detached dwelling on municipal water and sewer. The north half of the subject property (the proposed severed lot) is currently vacant land with a maintained lawn and several small trees.

Surrounding land uses include: light industrial lands to the west; institutional lands (Hagersville Arena) to the north; and residential uses to the east and south.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement:** Required to follow setbacks for R1-A Zoning if property approved by committee.

**Haldimand County Planning & Development – Development Technologist:** Partial lot grading plan required, entrance permit for the severed lot is required.

**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.

**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, 2020 (PPS) generally directs growth to existing urban areas and encourages intensification in built up areas where possible. Staff are of the opinion that the proposal is consistent with the PPS.

### **A Place to Grow, 2020**

Similar to the PPS, A Place to Grow, 2020, directs growth to existing urban areas and encourages intensification in built up areas where possible. Staff are of the opinion that the proposal is consistent with A Place to Grow, 2020.

## Haldimand County Official Plan (OP)

The subject lands are designated “Residential” on Schedule B.4 of the Haldimand County Official Plan. Residential uses are permitted uses in the “Residential” designation. Although this application is for the creation of only one lot in Hagersville, it is considered intensification. The Haldimand OP is generally supportive of intensification particularly in urban areas.

Lot division by consent in urban areas is addressed in Section 5.H.2 of the Official Plan

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

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

**Planning Comments:** The severed and retained lots exceed the minimum lot area requirements set out in the Haldimand County Zoning By-law HC 1-2020. Staff are satisfied that the subject application addresses this section of the OP.

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

**Planning Comments:** Both the severed and retained lots will be serviced by municipal water and sanitary sewer services. Staff are satisfied that the subject application addresses this section of the OP.

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

**Planning Comments:** Both the severed and retained lots will have frontage on Sherring Street North, which is a publicly owned and maintained road. Staff are satisfied that the subject application meets this policy of the OP.

d) Not more than five lots are being created.



**Planning Comments:** The subject application would result in two lots where there is currently one lot. Staff are satisfied that this section of the OP has been addressed.

### **Haldimand County Zoning By-law HC 1-2020**

The subject property is zoned Residential Type 1-A (R1-A) in the Haldimand County Zoning By-law HC 1-2020.

The applicant proposes to sever the vacant north half of the subject property to create a new lot at the end of Sherring Street North, beside the parking lot for the Hagersville Arena.

The severed lands will have a frontage of approximately 20.1 metres (65.9 feet) and contain an area of approximately 809 square metres (0.2 acres). The retained parcel will have a frontage of 18.11 metres (59.42 feet) and contain an area of approximately 735 square metres (0.18 acres).

The frontage of both the severed and retained lots exceeds the minimum required frontage in the R1-A zone of 15 metres (49.21 feet) for an interior lot and 18 metres (59 feet) for a corner lot.

The lot area of both the severed and retained lots exceeds the minimum required lot area in the R1-A zone of 450 square metres (4,843.76 square feet) for an interior lot, and 540 square metres (5812.51 square feet) for a corner lot.

Staff are satisfied that the subject application conforms to the standards 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 December 6, 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:



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

Reviewed by:



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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 letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6253 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
4. 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.
5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 20.1 metres (65.9 feet) and contain an area of approximately 809 square metres (0.2 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 19, 2025, after which time this consent will lapse.

***File No. PLB-2023-185***

***LIDLAW, Brian***

***Assessment Roll No. 2810-154-003-12750***



# Location Map FILE #PLB-2023-185 APPLICANT: Laidlaw



**Location:**  
**31 SHERRING STREET NORTH & 0 SHERRING STREET NORTH URBAN AREA OF HAGERSVILLE WARD 4**

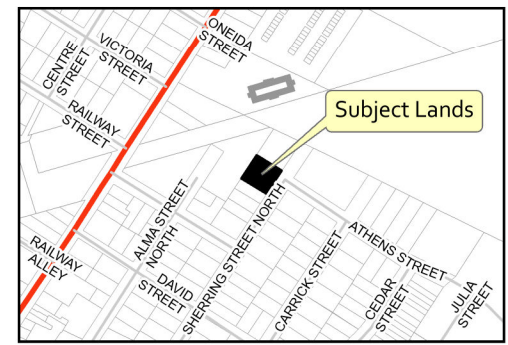
**Legal Description:**  
**HAG PLAN 905 BLK 38 LOT 10 & HAG PLAN 905 PT ATHENS ST**

**Property Assessment Number:**  
**2810 154 003 12700 0000 & 2810 154 003 12750 0000**

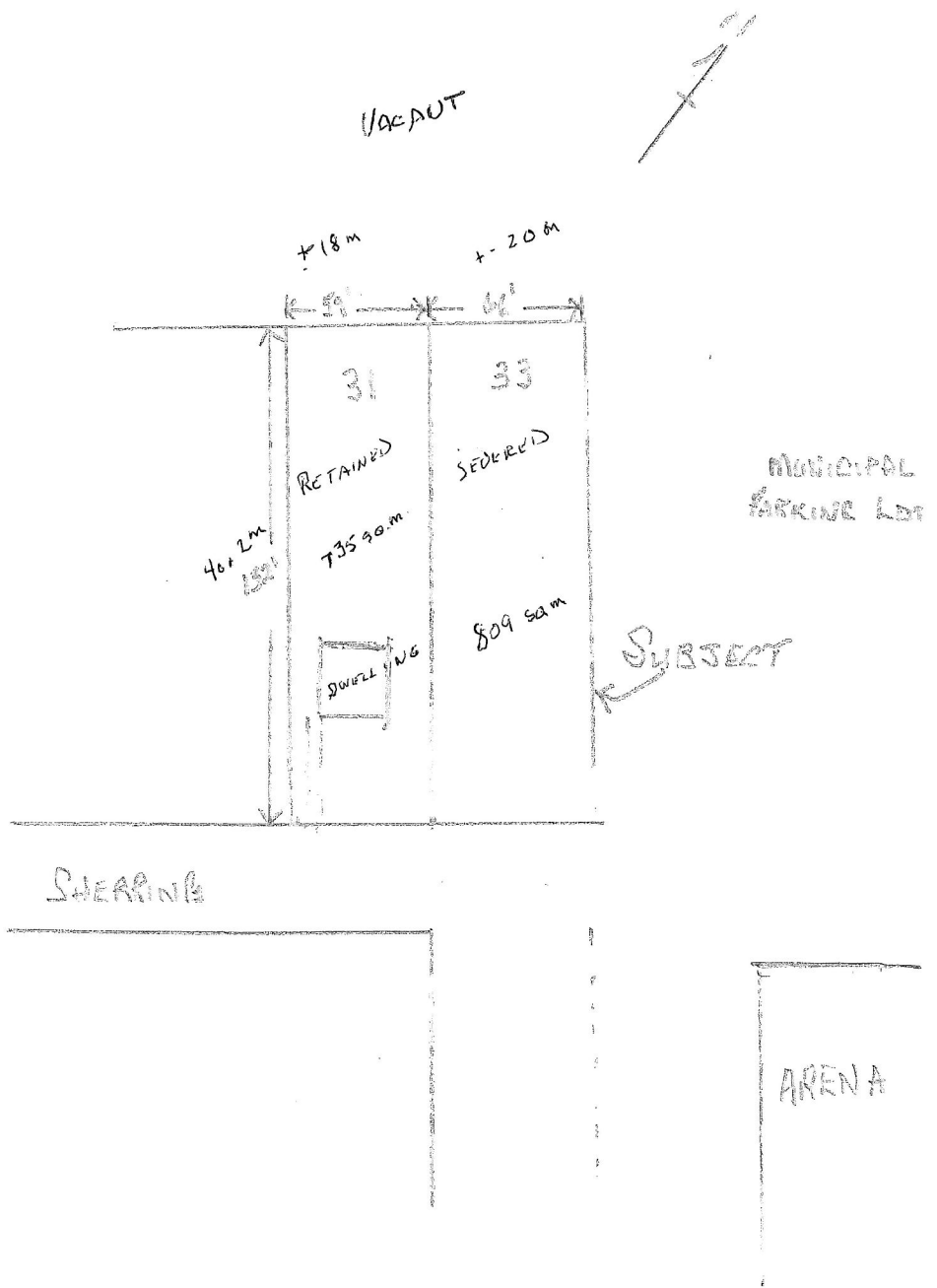
**Size:**  
**0.38 Acres**

**Zoning:**  
**R1-A (Urban Residential Type 1-A)**

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# Owner's Sketch FILE #PLB-2023-185 APPLICANT: Laidlaw





## Haldimand County Committee of Adjustment Consent

**Meeting Date:** December 19, 2023  
**File Number:** PLB-2023-186  
**Property Roll Number:** 2810-155-002-05500  
**Applicant:** Huigen Bros. Dairy Farm Ltd.  
**Property Location:** Jones Tract West Part of Lot 16, Geographic Township of North Cayuga, known municipally as 230 Richert Road

### Recommendation

That application PLB-2023-186 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

### Details of the Submission

**Proposal:** The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 92.31 metres (302.9 feet) and will contain an area of 0.58 hectares (1.44 acres). The retained parcel will contain an area of approximately 39.7 hectares (98.1 acres).

**Site Features and Land Use:** The subject lands are located in the geographic township of North Cayuga and front onto the east side of Richert Road. The site contains a single detached dwelling, a small detached garage, three accessory buildings and a quonset hut. 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.

**Haldimand County Emergency Services:** No comments received.

**Grand River Conservation Authority:**

**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)**

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 0.58 hectares (1.44 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. A sewage system permit was issued by Haldimand County in October of 2023 to install a new septic system.

- 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 Richert 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 November 2, 2023.

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

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

Prepared by:



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David Scott, MPLAN  
Secretary-Treasurer, Committee of Adjustment  
905-318-5932 ext. 6220

Reviewed by:



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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. That a septic evaluation for severed parcel be completed and submitted **to the Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 92.31 metres (302.9 feet) and will contain an area of 0.58 hectares (1.44 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 19, 2025, after which time this consent will lapse.

**File No. PLB-2023-186**

**HUIGEN BROS. DAIRY FARM LTD.**

**Assessment Roll No. 2810-155-002-05500**



# Location Map FILE #PLB-2023-186 APPLICANT: Huigen Bros. Dairy Farm Ltd.



**Location:**  
 230 RICHERT ROAD  
 GEOGRAPHIC TOWNSHIP OF NORTH CAYUGA  
 WARD 2

**Legal Description:**  
 NCAY TRACT JONES W PT LOT 16

**Property Assessment Number:**  
 2810 155 002 05500 0000

**Size:**  
 99.39 Acres

**Zoning:**  
 A (Agriculture), GRCA Regulated Lands, HCOP Riverine Hazard Lands & MNR Unevaluated Wetland

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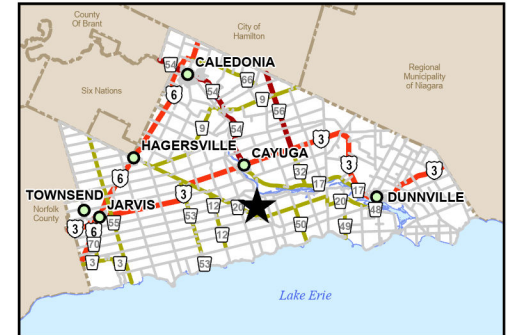
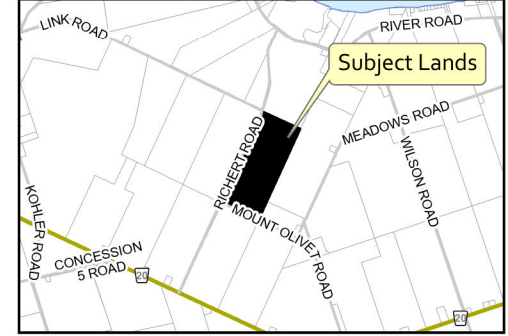
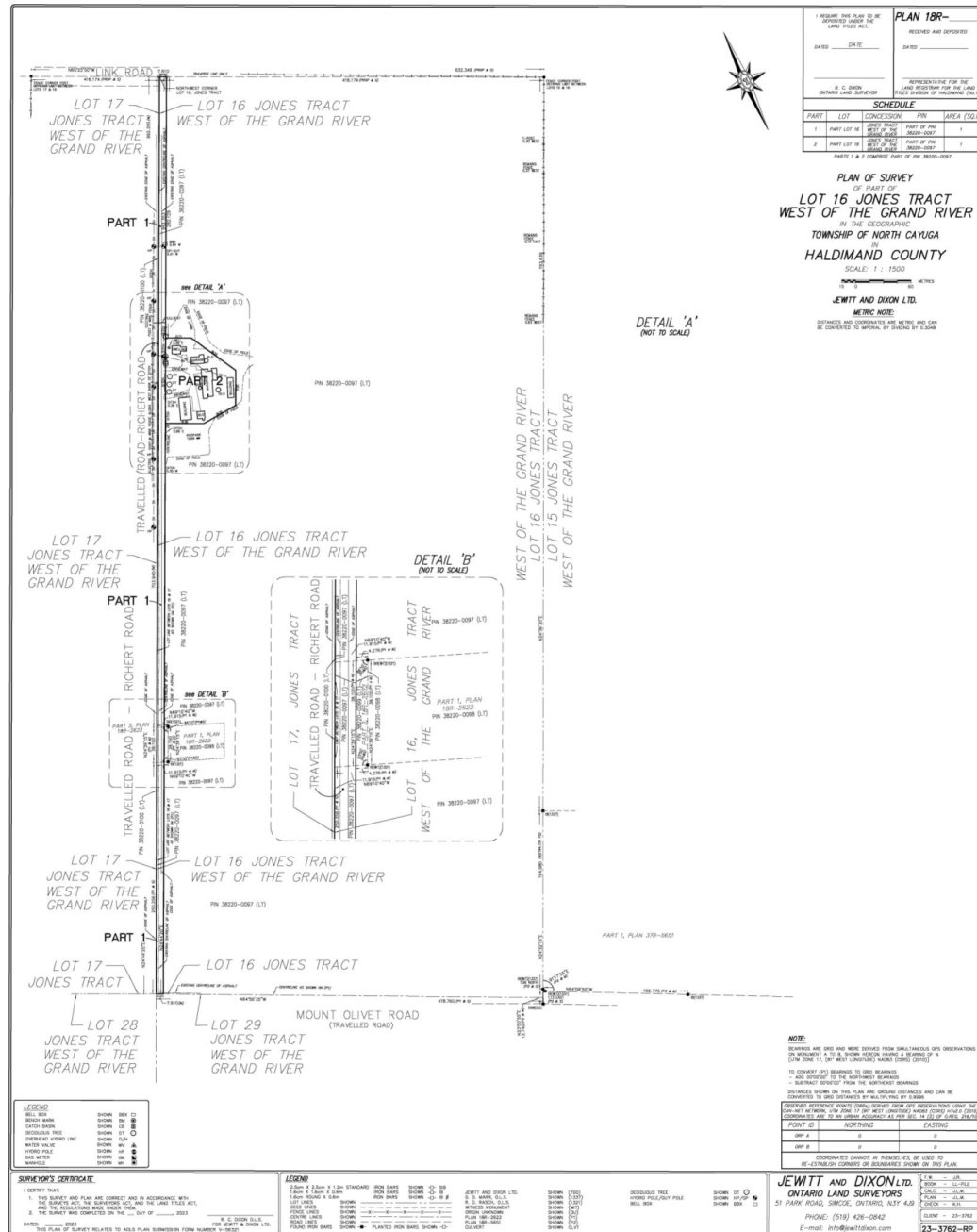


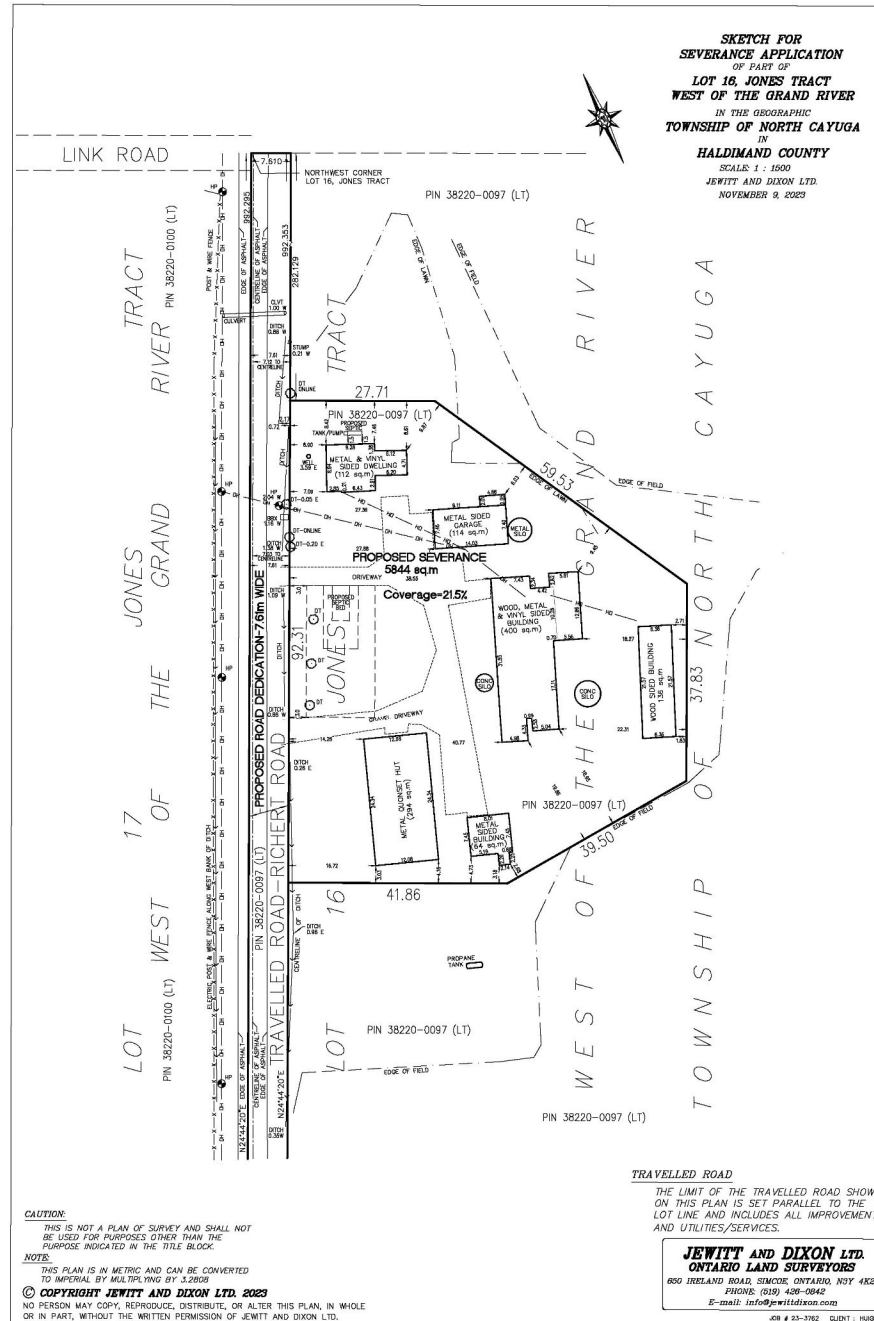
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# Owner's Sketch 1 of 2 FILE #PLB-2023-186 APPLICANT: Huigen Bros. Dairy Farm Ltd.



# Owner's Sketch 2of2 FILE #PLB-2023-186 APPLICANT: Huigen Bros. Dairy Farm Ltd.





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** December 19, 2023  
**File Number:** PLA-2023-173  
**Property Roll Number:** 2810-151-007-04400  
**Applicant:** Chris Hopkins  
**Property Location:** Part Lot 2 East of Wigton, Urban Area of Caledonia, known municipally as 78 Wigton Street

### Recommendation

That application PLA-2023-173 be approved. The application meets the four tests of a minor variance. Approval is subject to the following condition:

1. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, for further clarification.

### Details of the Submission

**Proposal:** Relief is requested from the lot frontage provisions of the Residential Type 1-A (R1-A) Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	4.5 metres (14.8 feet)	5.65 metres (18.5 feet)	1.15 metres (3.7 feet)



Accessory Building Area	75 square metres (807.3 square feet)	102 square metres (1098.0 square feet)	27 square metres (290.7 square feet)
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The relief is requested to permit the construction of a garage on the subject property.

**Site Features and Land Use:** The subject lands are located in the urban area of Caledonia and front onto the east side of Wigton Street. The lands currently contain a single detached dwelling and accessory structures. The surrounding land uses are generally residential in nature.

**Existing Intensive Livestock Operations:** Not applicable

## Agency & Public Comments

**Haldimand County Building & Municipal Enforcement Services:** See ZDF; height and area too large according to By-Law HC 1- 2020 for R1 zoning.

**Haldimand County Planning & Development Services – Development Technologist:** Drainage assurance form is required.

**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 “Residential” in the Haldimand County Official Plan. Single, semi-detached dwellings and accessory structures are permitted uses within the Residential designation.

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

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

**Planning staff comment:** The subject lands are zoned “Residential Type 1-A (R-1A)” in Haldimand County Zoning By-law 1-2020. The subject application is seeking relief to permit an accessory structure with a height of 5.65 metres (18.5 feet) where 4.5 metres (14.8 feet) is permitted and an accessory building area of 102 square metres (1098.0 square feet) where 75 square metres (807.3 square feet) is permitted. The intent of the accessory building is to be used as a garage.

The intent of limiting the height 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 subject lands are located in the settlement boundary of Caledonia, bordered by residential units to the west, north and south and a school to the east. The proposed accessory building will be used for personal storage, accessory to the primary 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:** The subject lands are zoned “Residential Type 1-A (R1-A),” where accessory structures, such as a garage, are permitted. The proposed accessory structure is not anticipated to negatively impact surrounding properties and does not require the removal of trees.

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

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 minor.

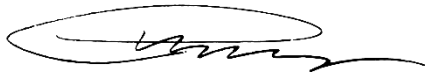
The subject application meets the four tests of a minor variance.

## **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on November 14, 2023.

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

Prepared by:



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Chris Tang  
Planning Technician, Planning & Development  
905-318-5932 ext. 6210

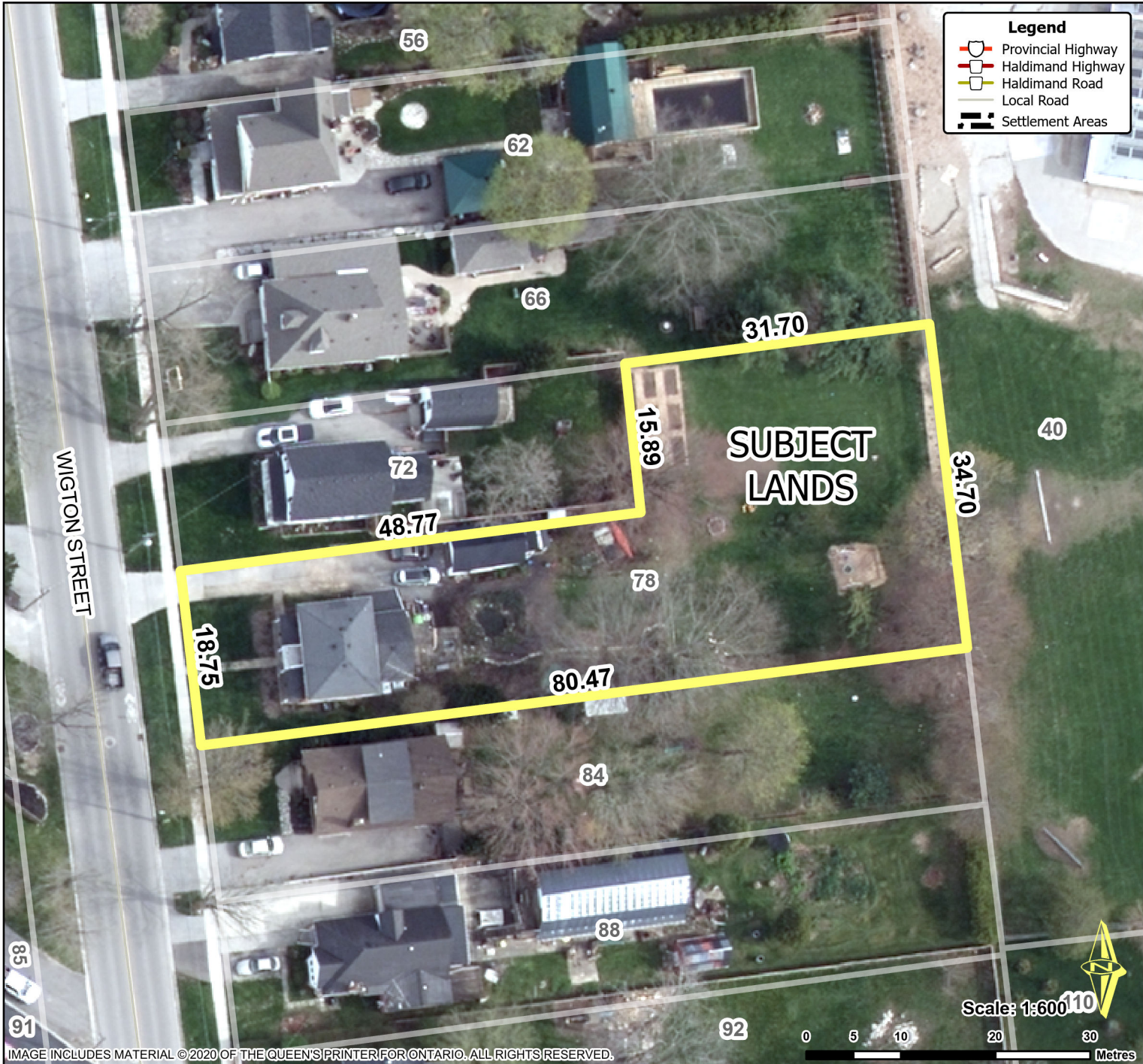
Reviewed by:



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

# Location Map FILE #PLA-2023-173 APPLICANT: Hopkins



**Location:**  
**78 WIGTON STREET**  
**URBAN AREA OF CALEDONIA**  
**WARD 3**

**Legal Description:**  
**CAL PT LOT 2 E WIGTON**

**Property Assessment Number:**  
**2810 151 007 04400 0000**

**Size:**  
**0.50 Acres**

**Zoning:**  
**R1-A (Urban Residential Type 1-A)**

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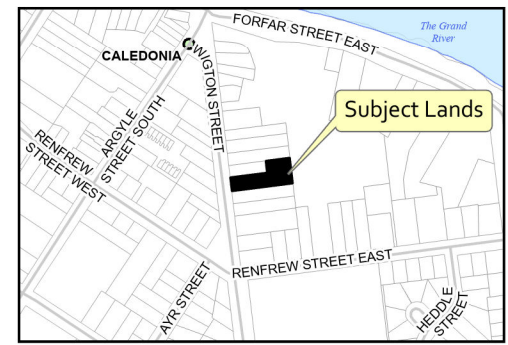


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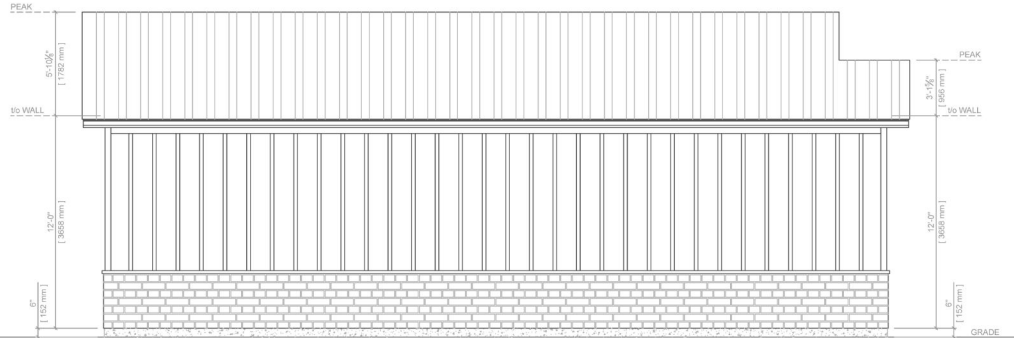




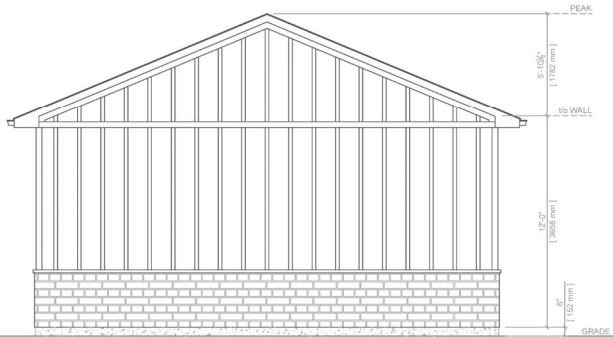
# Owner's Sketch 3of3 FILE #PLA-2023-173 APPLICANT: Hopkins



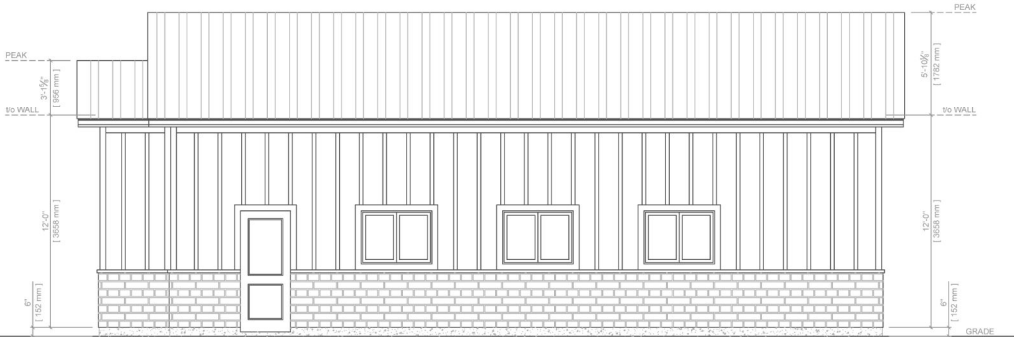
① WEST ELEVATION  
SCALE: 1/8"



① NORTH ELEVATION  
SCALE: 1/8"



② EAST ELEVATION  
SCALE: 1/8"



② SOUTH ELEVATION  
SCALE: 1/8"