

Haldimand County Committee of Adjustment Consent

Meeting Date: April 16, 2024

File Number: PLB-2023-118

Property Roll Number: 2810-332-002-53100-0000

Applicant: James McDonald

Agent: Carlee McQueen

Property Location: Concession 1, Part Lot 16, Registered Plan 18R3676 Part 2,

Registered Plan 18R5237 Parts 16 and 17 Part of Part 1, Geographic Township of Walpole, known municipally as 861

South Coast Drive, Hagersville

Recommendation

That application PLB-2023-118 be deferred to address comments from LPRCA. 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 20.48 metres (67.2 feet) and contain an area of approximately 0.81 hectares (2.0 acres). The retained parcel will contain an area of approximately 11.59 hectares (28.6 acres).

Site Features and Land Use: The site is located in the geographic township of Nanticoke and fronts onto the north side of South Cost Drive. The subject lands are currently vacant and the surrounding land uses of the site are agricultural and resort residential in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Planning & Development - Development Technologist:

- 1.A Full lot grading plan for the severed land is required and it can be provided when they want to build
- 2.Entrance permit for the severed land is required.

Long Point Region Conservation Authority: 1. A grading plan with drainage details is required. At least the back portion of the property should be directed to the back of the property towards the wetland. 2. A basement is not ideal in this location, the foundation floor will have to be above the seasonal high water level. 3. A septic system/ holding tank has to be located outside the wetland. 4. All development including potential accessory buildings need to be located outside of the wetland.

Mississaugas of the Credit: No Comments or Concerns.

Six Nations: No Comments or Concerns.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS encourages developments in settlement area that creates growth opportunities. The PPS encourages intensification, including infill development, where other policies of the PPS can be upheld. The subject applications represent lot creation in the Lakeshore Residential Nodes with adequate and appropriate infrastructure. Planning staff consider the subject application to be consistent with the PPS.

A Place to Grow, 2020

A Place to Grow encourages lot development within existing settlement areas, such as the Lakeshore Residential Nodes. Since "A Place to Grow" generally echoes the PPS, this application conforms with the Growth Plan.

Haldimand County Official Plan (OP)

The subject land is designated "Resort Residential" in the Haldimand County Official Plan. The subject application is seeking to sever the resort residential portion for future development. General criteria for the consent application are as follows:

 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; **Comment:** The severed and retained lots maintain the minimum zone requirements and are appropriate for residential development.

- b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan; Comment: The severed lot will not be serviced by municipal water or municipal sanitary services. As a condition of consent, the lot shall be serviced by a functional cistern and septic system.
- 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

Comment: The subject lands front onto South Coast Drive, satisfying the requirements of this policy.

d) Not more than five lots are being created.
 Comment: Only one lot is being created.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Lakeshore Residential (RL)". The RL zone requires a minimum lot area of 925 square metres (0.23 acre) and a minimum lot frontage of 18 metres (59.1 ft), the severed lot will meet the minimum required lot standards. The subject applications meet the minimum required lot standard and is deemed appropriate for the proposed severance.

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 April 1st, 2024.

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

A copy of the staff report has been provided to the applicant.

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Chris Tang,

Secretary Treasurer, Committee of Adjustment - Planning & Development 905-318-5932 ext. 6220

Reviewed by:

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Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 20.48 metres (67.2 feet), and an area of 0.81 hectare (2.0 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. Land Registry Office.

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

Projected Coordinate System: NAD 1983 UTM Zone 17N

Projection: Transverse_Mercator False Easting: 500000.00000000

 False_Northing:
 0.00000000

 Central_Meridian:
 -81.00000000

 Scale_Factor:
 0.99960000

 Latitude_Of_Origin:
 0.00000000

 Linear Unit:
 Meter

Geographic Coordinate System: GCS North American 1983

Datum: D_North_American_1983

Prime Meridian: Greenwich Angular Unit: Degree

4. Full Lot Grading Plan

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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 2026, after which time this consent will lapse.

File No. PLB-2023-118

Assessment Roll No. 2810.332.002.53100

Location Map FILE #PLB-2023-118 APPLICANT: McDonald





Location:

867 SOUTH COAST DRIVE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WALPOLE CON 1 PT LOT 16 RP 18R3676 ART 2 RP 18R5237 PARTS 16 17 PT PART 1

Property Assessment Number:

2810 332 002 53100 0000

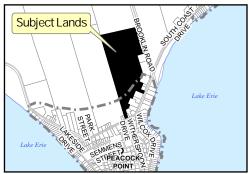
Size:

33.59 Acres

Zoning:

A (Agriculture), W (Wetland), RL (Lakeshore Residential) & LPRCA Regulated Lands

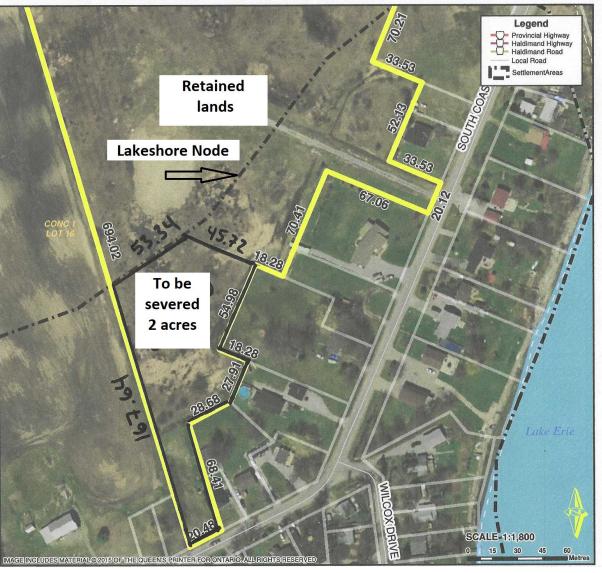
HALDIMAND COUNTY, IT'S EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL IN





Owner's Sketch FILE #PLB-2023-118 APPLICANT: McDonald





Location:
848 SOUTH COAST DR
GEOGRAPHIC TOWNSHIP OF
WALPOLE

Legal Description:

WAL CON 1 PT LOT 16 RP 18R 5237 PARTS 1,2,3,16,17 RP 18R 3676 PART 2

Property Assessment Number: 2810 332 002 53100 0000

Size:

35.86 Acres

Zoning:

A (Agriculture) & RV (Vacation Residential)

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







Haldimand County Committee of Adjustment Consent

Meeting Date: April 16th, 2024

File Number: PLB-2024-017

Property Roll Number: 2810-332-007-02500-0000

Applicant: Haybury Farms

Agent: Matt Burke

Property Location: WALPOLE CONCESSION 10 PT LOT 1 PCL 2-3 SECTION D-1 RP

37R3474 PART 1, Known Municipally as 1344 County Line, Jarvis

Recommendation

That application PLB-2024-017 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 the Subject Lands located at 1344 County Line, legally described as Walpole Concession 10 Part Lot 1 PCL 2-3 Section D-1 Register Plan 37R3474 Part 1.

The reason for the proposed severance is a result of a surplus farm dwelling through farm amalgamation. The Subject Lands were purchased by Haybury Farms in 2017, and amalgamated with other owned farm operations, provided within the "Residential Lot in Rural Area" form found in the application file (PLB-2024-017).

The proposed severed lands contain an existing surplus farm dwelling and a shed. The proposed severed lands will have an area of approximately 0.45 hectares (1.11 acres) and a frontage of approximately 80 meters (262.47 feet), fronting onto County Line Road which is classified as a municipal road.

The proposed retained lands will have an area of approximately 21.26 hectares (52.54 acres), fronting onto municipal road County Line Road, with a frontage of approximately 640 meters (2099.74 feet).

Site Features and Land Use:

The Subject Lands are zoned Agricultural (A), and contains a small portion of Wetland within the LPRCA on the south portion of the parcel (roughly 30 meters of Wetland crosses from the adjacent property onto the Subject Lands).

The Subject Lands are approximately 2.71 hectares (6.7 acres) in size, with a frontage of approximately 720 meters (2,362.2 feet) on the east side of County Line Road. The wetlands are located south of the Subject Lands and slightly crossing over onto the Subject Parcel. Wetlands are also located to the east and south-east of the Subject Lands by approximately 150 meters (492.13 feet) away from the Subject Lands.

The Subject Lands consist of an existing single detached dwelling, and one (1) shed on the proposed severed lands. The proposed retained lands contain one (1) storage barn, one (1) storage shed, and grain bins. The single detached dwelling is serviced by individual wells, septic systems and open ditches.

The surrounding land uses include agricultural and LRPCA regulated wetlands. The Subject Lands are roughly 1.7km (1.06 mile) drive south from the Urban Area of Townsend.

Existing Intensive Livestock Operations: Four (4) to five (5) cows were observed during the site visit conducted on March 26th, 2024 about 3-4 minutes down the road. However within the MDS Guidelines, existing dwellings proposed for severance do not have to meet the proposed setbacks because the odour produced from the surrounding livestock in the area is already existing.

Agency & Public Comments

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

Grand River Conservation Authority / Long Point Region Conservation Authority / Niagara Peninsula Conservation Authority: No Comments or concerns.

Mississaugas of the Credit: No Comments or concerns.

Six Nations: No Comments or concerns.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS states that prime agricultural areas shall be protected for long-term use for agriculture. Permitted uses are agricultural uses, agriculture-related uses, and on-farm diversified uses.

Policies within the Provincial Policy Statement are highly protective of prime agricultural lands, section 2.3.4 sets out the policies in regards to Lot Creation and Lot Adjustment within Agricultural Areas.

The PPS permits lot creation for residence surplus to a farming operation as a result of farm consolidation is permitted provided that;

- "1) the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services,
- 2) The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance."

The proposed surplus farm dwelling severance will be adequate in size to accommodate the appropriate sewage and water services for the proposed new lot, and through the planning authorities, conditions will ensure that residential dwellings shall be prohibited on remnant parcel of farmland created through severance.

It is in my professional opinion that 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. Therefore the application 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 severed lands will be 0.45 hectares (1.11 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 severance is serviced by individual wells, and septic tanks, with open ditches for storm drainage. A Septic Evaluation form has been filled out by applicant and can be viewed within application file (PLB-2024-017).

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: The dwelling became surplus to the farm operation after the property had been purchased by Harbury Farms and amalgamated with the existing farm property owned by the applicant in 2017/2018. The applicant has been farming within the municipality for 18 years, and has provided a "Residential Lot in a Rural Area Information Form" within the application to provide current existing farms. It is in the opinion of planning staff that the proposal is not taking away from, or adversely affecting the operation or viability of the farm operation on the remaining lands.

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

Planning Comment: Four (4) – five (5) cows were spotted approximately 3-4 minutes down the road, however MDS Guidelines do not apply for surplus farm dwelling where the house is already existing and the livestock operation is not on the property being proposed for consent.

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: Upon the site visit inspection that took place March 26th, 2024 there was no licensed pits, licensed quarries or uses seen as conflicting noticed by staff in proximity to the Subject Lands. Within the application form for the Subject Lands, the applicant has also checked off that the Subject Property is not within the regulated distance to any licensed pits or quarries.

f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road;

Planning Comment: The severed and retained lands will have frontage on an existing public road, known municipally as County Line Road.

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

Planning Comment: The proposed severance is not anticipated to have any adverse or negative impacts 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 majorly 'Agricultural (A)' Zone and has approximately 30 meters of 'Wetland (W)' Zone on the south portion of the parcel of land. 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 March 30th, 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:

Jassie Cleaver Planning Technician 905-318-5932 ext. 6210

Reviewed by:

Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

IF <u>APPROVED</u>, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 80 metres (262.47 feet), and an area of 0.45 hectare (1.11 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 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:
 -81.0000000

 Scale_Factor:
 0.99960000

 Latitude_Of_Origin:
 0.00000000

 Linear Unit:
 Meter

Geographic Coordinate System: GCS North American 1983

Datum: D_North_American_1983

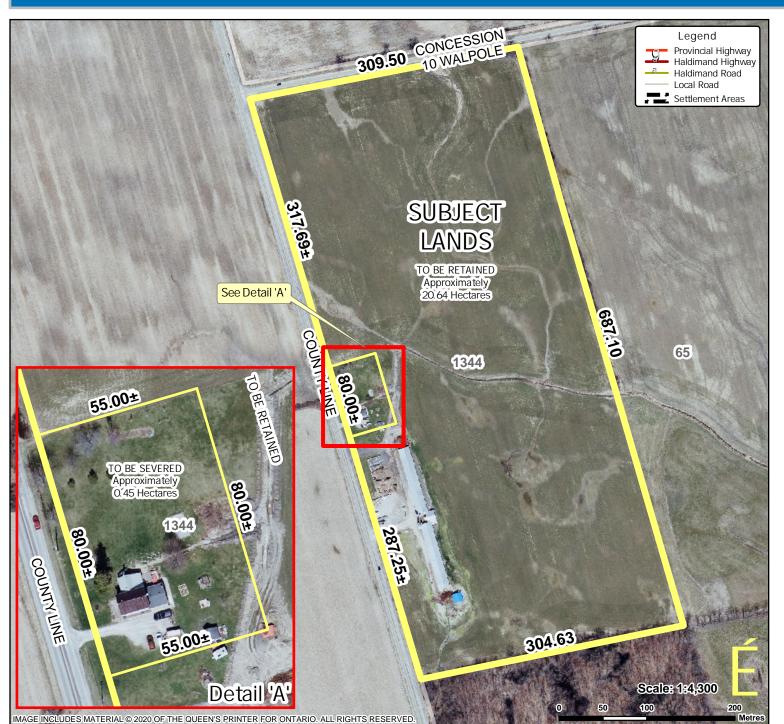
Prime Meridian: Greenwich Angular Unit: Degree

4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before 04 16, 2025, after which time this consent will lapse.

File No. PLB-2024-017

Assessment Roll No. 2810.322.007.02500.0000

Location Map FILE #PLB-2024-017 APPLICANT: Haybury Farms Inc





Location:

1344 COUNTY LINE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WAL CON 10 PT LOT 1 PCL 2-3 SECTION D-1 RP 37R3474 PART 1

Property Assessment Number:

2810 332 007 02500 0000

Size:

21.09 Hectares

Zoning:

A (Agriculture), LPRCA Regulated Lands, MNR Evaluated Other, HCOP Natural Environment Wetland Area

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Owner's Sketch 1 of 3 FILE #PLB-2024-017 APPLICANT: Haybury Farms Inc





Owner's Sketch 2 of 3 FILE #PLB-2024-017 APPLICANT: Haybury Farms Inc





Owner's Sketch 3 of 3 FILE #PLB-2024-017 APPLICANT: Haybury Farms Inc







Haldimand County Committee of Adjustment Consent

Meeting Date: April 16, 2024

File Number: PLB-2024-032

Property Roll Number: 2810-155-005-08700-0000

Applicant: Steve Moodie

Agent: Kim Hessels

Property Location: North Cayuga Concession 1 STR S Part Lot 12, and known

municipally as 534 Haldimand Road 32

Recommendation

That application PLB-2024-032 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 be a rectangular parcel of land with an area of approximately 0.57 hectares (1.41 acres) and have approximately 46 metres (150.9 feet) of frontage on the east side of Haldimand Road 32.

Site Features and Land Use: The subject lands are 0.57 hectares (1.41 acres) in size and are part of a larger 56 hectare (138.6 acre) farm parcel. The subject lands contain a single detached dwelling and an accessory structure.

Surrounding land uses are agricultural and residential in nature.

Existing Intensive Livestock Operations: No livestock were observed within the area of the subject site at the time of site inspection. However, staff are aware that this farm

had a livestock operation in the recent past. The applicant's agent confirmed the previous owner raised cattle, and that following his death the cattle had been sold off..

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: As per Septic Evaluation a New Septic System needs to be installed. This must be done before any severance can take place.

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

Haldimand County Emergency Services: No comments received

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

Niagara Peninsula Conservation Authority: No comments received at this time

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 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, does not conflict 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 0.57 hectares (1.41 acres) in size and meets the standard set out in the OP.

b) No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed as per the Ontario Building Code;

Planning Comment: A septic evaluation indicated that the existing sewage system is not currently adequate to fulfill the requirements of Part 8, Ontario Building Code specifically Table 8.2.1.6 A&B and Section 8.9.1.2. A new septic system is required.

Ruigrok Excavating Ltd. (BCIN - 32579) indicated that the property at 534 Regional Road 32 has ample area for a raised septic system to accommodate the current dwelling. Installation of a new septic system is required as a condition of approval for the proposed severance.

The proposed lot will be serviced by a cistern for water supply.

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: Staff are aware that this farm had a livestock operation in the recent past. The applicant's agent confirmed the previous owner raised cattle, and that following his death the cattle had been sold off.

Ontario Ministry of Agriculture, Food and Rural Affairs' (OMAFRA) Minimum Distance Separation Guildeline #9 MDS I Setbacks and Lot Creation for a Residence Surplus to a Farming Operation states the following:

"2. An MDS I setback is always required for a proposed lot with an existing dwelling when prior to the consent, that dwelling is located on the same lot as an existing livestock facility or anaerobic digester and after the consent, the dwelling would be on a lot separate from that same existing livestock facility or anaerobic digester. This is because such a proposal could create a potential odour conflict as the dwelling and the livestock facility or anaerobic digester will be on separate conveyable lots if the severance is approved. This is the case regardless of how a municipality chooses to treat existing livestock facility on lots separate from the dwelling prior to the consent."

A livestock operation on the retained lands would not be consistent with the MDS Guidelines. It is staff's understanding that the applicant does not intend to use the retained lands and/or existing barn for intensive livestock purposes now or in the future. To ensure there will be no future conflict, a condition of approval will require that the applicant amend the zoning, as it applies to the retained lands, to remove livestock as a permitted use. Alternatively, the applicant could remove the barn from the retained lands.

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. It is well removed from waste disposal site and other

potential land use conflicts. 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 Haldimand Road 32.

g) Potential impacts on natural environment areas and/or cultural resources shall be assessed 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 March 27th.

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

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:

Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

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- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 46 metres (150.9 feet), and an area of 0.57 hectare (1.40 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 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: 500000.0000000

 False_Northing:
 0.00000000

 Central_Meridian:
 -81.00000000

 Scale_Factor:
 0.99960000

 Latitude_Of_Origin:
 0.00000000

 Linear Unit:
 Mater

Linear Unit: Meter

Geographic Coordinate System: GCS North American 1983

Datum: D_North_American_1983

Prime Meridian: Greenwich Angular Unit: Degree

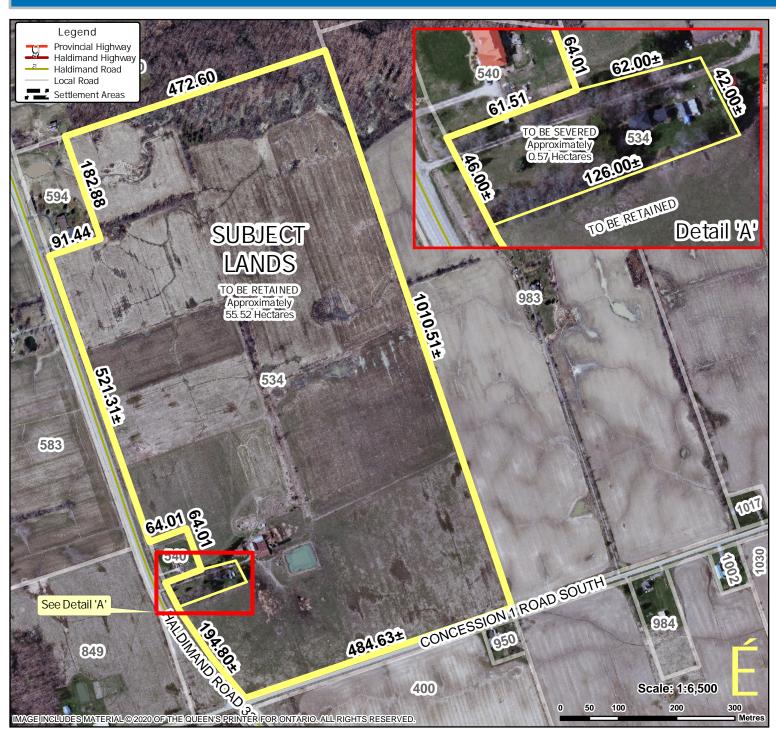
- 4. Entrance permit required for Retained Parcel
 - Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required 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. A new septic system, satisfactory to the Haldimand County Building Department, be installed prior to final approval of the consent.
- 6. A zoning by-law amendment be completed to preclude the use of the retained lands, and structures/barn, for the purposes of keeping and raising livestock

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 2026, after which time this consent will lapse.

File No. PLB-2024-032

Assessment Roll No. 2810.155.005.08700.0000

Location Map FILE #PLB-2024-032 APPLICANT: Moodie





Location:

534 HALDIMAND ROAD 32 GEOGRAPHIC TOWNSHIP OF NORTH CAYUGA WARD 4

Legal Description:

NORTH CAYUGA CON 1 STR S PT LOT 12

Property Assessment Number:

2810 155 005 08700 0000

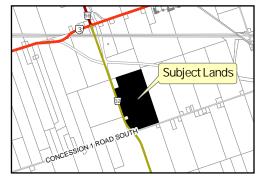
Size:

56.09 Hectares

Zoning:

A (Agriculture), W (Wetland), NPCA Regulated Lands, NPCA Wetland

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





Owner's Sketch 1 of 2 FILE #PLB-2024-032 APPLICANT: Moodie





Owner's Sketch 2 of 2 FILE #PLB-2024-032 APPLICANT: Moodie







Haldimand County Committee of Adjustment Consent

Meeting Date: April 16, 2024

File Number: PLB-2024-034

Property Roll Number: 2810-332-002-80600-0000

Applicant: David Mattice

Agent: Mary Elder, Elder Plans Inc.

Property Location: Concession 4, Part Lot 15, Geographic Township of

Walpole, Haldimand County and Municipally Known as 1179

Concession 3 Walpole

Recommendation

That application PLB-2024-034 be refused. The application does not have regard for Section 51(24)(f) of the Planning Act and does not conform to the intent of the Haldimand County Zoning By-law No. HC 1-2020, as amended. The application is generally consistent with the Provincial Policy Statement, 2020 and the Haldimand County Official Plan.

Details of the Submission

Proposal: The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The proposed severed lands will have a lot frontage of 5.74 metres (18.8 feet) and will contain an area of 0.66 hectares (1.63 acres). The retained parcel will contain an area of 42.4 hectares (104.8 acres).

Site Features and Land Use: The subject property, which is actively farmed, is approximately 43.1 hectares (106.5 acres) in area. The existing dwelling, which is proposed to be severed from the existing agricultural lands, is located relatively deep on the subject property; approximately 208 metres (682 feet) from the front property line.

Surrounding land uses are primarily agricultural with some residential.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments received.

Haldimand County Planning & Development – Development Technologist:

Possible need for Hyrdo easement agreement.

Long Point Region Conservation Authority: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Section 51(24)(f) of the Planning Act

Section 53 (12) of the Planning Act states: "A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) ..." of the Planning Act.

Section 51(24) sets out a list of criteria that decision makers shall have regard to in making decisions regarding the division of land, including subsection 51(24)(f) which reads:

"S. 51 (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(f) the dimensions and shapes of the proposed lots;

Staff are of the opinion that a proposed lot that consists of a 171.39 metres long (562.3 feet) driveway, which also provides a mere 5.74 metres (18.8 feet) of lot frontage (solely driveway), where a minimum of 30 metres (98.4 feet) is required, has no regard for S.51(24) of the Planning Act. It does not represent good planning practices.

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.

However, Section 2.3.4.1 of the PPS sets out four circumstances under which lot creation in prime agricultural area can be considered, only one of which applies in this case:

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

Staff are of the opinion that the proposed surplus farm dwelling severance proposed here does not -conflict with the policies of the PPS.

A Place to Grow, 2020

The policies of the Growth Plan generally echo those of the PPS, and aim to protect prime agricultural lands within the province. The Growth Plan however, does not provide specific criteria for lot creation for a residence surplus to a farming operation, as a result of farm consolidation.

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

Haldimand County Official Plan (OP)

The subject lands are designated 'Agriculture' in the Haldimand County Official Plan. The Official Plan builds on the PPS policies pertaining to a residence surplus to a farming operation, providing additional details. Section 5H.4 of the Official Plan outlines various criteria for a surplus farm dwelling severance in Haldimand County. Notably, 5H.4(a) requires that the severed lot for a surplus farm dwelling severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size, though consideration can be given to vary the size. The proposed severed lot will have an area of 0.66 hectares (1.63 acres) and is sized such that the lot will accommodate the existing onsite sewage disposal system (septic) for the existing single detached dwelling and accessory structures without resulting in the unnecessary loss of lands under active agricultural production. This section of the Official Plan also requires that the retained lands be rezoned such that

residential development on the retained lands is prohibited, in accordance with Provincial Policy.

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

Haldimand County Zoning By-law HC 1-2020

The proposed severed and retained lots are zoned "Agricultural (A)" in accordance with Haldimand County Zoning By-law No. HC 1-2020, as amended and meets the minimum required area and setback provisions of the by-law. The proposal does not, however, meet the minimum frontage of 30 metres as 5.74 metres (18.8) feet is proposed and pertains only to the driveway, which provides the frontage given that the dwelling and accessory structures are located deep within the subject property. The surplus farm dwelling lot is greater than 0.6 hectares (1.5 acres) in size and as such, the retained lands do not qualify for the automatic zoning, as outlined in Section 4.59 (Surplus Farm Dwelling Severance Properties) of the Zoning By-law. In cases where the lands are not automatically rezoned, a Zoning By-law amendment application is required to ensure conformity with the Official Plan and Provincial Policy, such as the case with the subject application.

Planning staff are of the opinion that the subject application does not maintain the intent of Haldimand County Zoning By-law No. HC 1-2020, as amended.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was not posted 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.

A copy of the staff report has been provided to the applicant.

Prepared by:

Mhydus

Mark Andrews, M.A., MCIP, RPP Senior Planner 905-318-5932 ext. 6202

Reviewed by:

Krystina Wheatley, CET

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 Minor Variance application will be required to seek relief from the provisions of the Agriculture (A) zone of Zoning By-law No. HC 1-2020, as amended for minimum lot frontage (5.74 m is proposed and minimum 30 m is required).
- 4. That, as a condition of Consent, the retained lands sdhall be rezoned to remove residential uses and associated accessory uses, in accordance with the Haldimand County Official Plan and Provincial Policies.
- 5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 5.74 metres (18.83 feet), and an area of 0.66 hectare (1.63 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. 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: 500000.0000000

 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

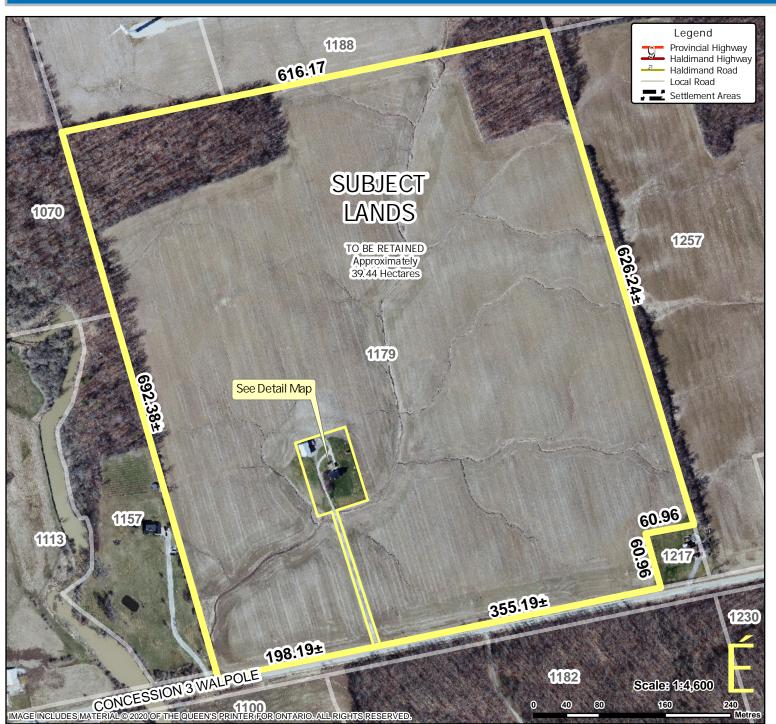
Prime Meridian: Greenwich Angular Unit: Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 2026, after which time this consent will lapse.

File No. PLB-2024-034

Assessment Roll No. 2810.332.002.80600.0000

Location Map FILE #PLB-2024-034 APPLICANT: Mattice





Location:

1179 CONCESSION 3 WALPOLE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WAL CON 4 PT LOT 15

Property Assessment Number:

2810 332 002 80600 0000

Size:

40.10 Hectares

Zoning:

A (Agriculture), LPRCA Regulated Lands, HCOP Riverine Hazard Lands

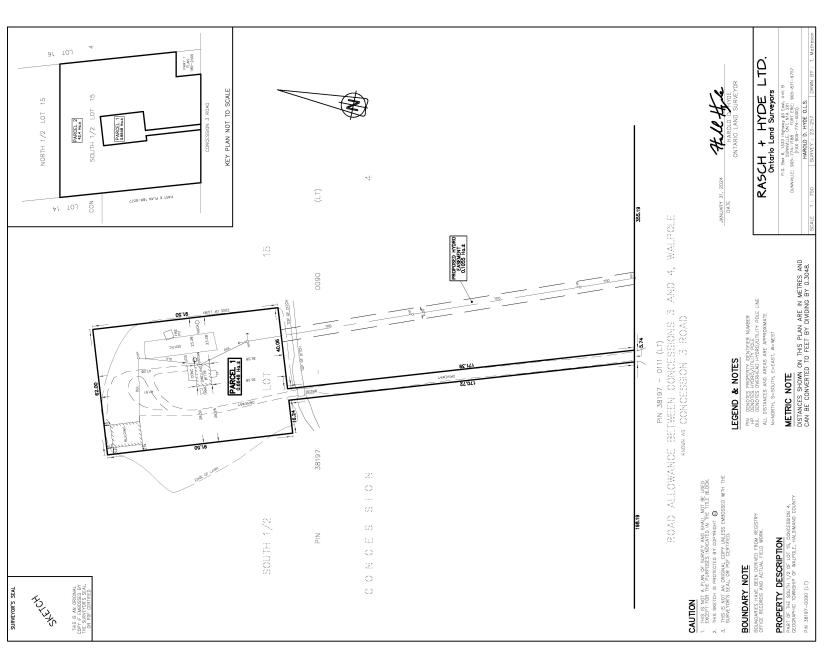
HALDIMANU CUUNTY, IT SEMPLOYTEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES.

ALL INFORMATION TO BE VERIFIED.





Owner's Sketch FILE #PLB-2024-034 APPLICANT: Mattice







Haldimand County Committee of Adjustment Consent

Meeting Date: April 16, 2024

File Number: PLB-2024-035

Property Roll Number: 2810-023-001-18200-0000

Applicant: Bulk Growers Holdings Limited

Agent: LandPro Planning Solutions Inc. c/o Mitchell Baker

Property Location: Moulton Concession 2 From, Canborough Part Lots 12 And

13, Registered Plan 18R4688 Parts 1 And 2, Known

Municipally as 328 Comfort Rd, Dunnville

Recommendation

That application PLB-2024-035 be refused. The application is not consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and does not conform to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever a piece of land from the existing agricultural lot through a boundary adjustment to expand the existing greenhouse operations. The severed parcel will have a frontage of 118.96 meters (390.29 feet.), and the retained parcel will have a frontage of 280.52 meters (920.34feett). The severed parcel will have an area of 15.10 hectares (37.31acres), and the retained parcel will have an area of 25.05 hectares (61.90 acres). The severance is to keep the water flow rate to be under 10,000 L per day.

Site Features and Land Use: The site is located in the geographic township of Moulton and fronts onto the east side of Diltz Rd. The subject lands currently has existing greenhouse operations and the surrounding land uses are agriculture in nature.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Planning & Development – Development Technologist: A Partial Lot grading plan required, Entrance Permit access for the severed and retained parcel, and could potentially need permission from the NPCA.

Niagara Peninsula Conservation Authority: No Comments

Mississaugas of the Credit: No Comments.

Six Nations: No Comments.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

This application proposes to sever a 25.05 hectares (61.90 acres) lands for lot creation through a boundary adjustment for legal or technical reasons. The retained parcel will have an area of approximately 15.1 hectares (37.31 acres).

Section 2.3.4.2 of the PPS states that "Lot adjustments in prime agricultural areas may be permitted for *legal or technical reasons*." The PPS defines *Legal or technical reasons* as "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot"

Planning comments: Under the definition section of the PPS that defines *Legal or technical*, it does not permit the creation of a new lot. The proposed boundary adjustment will result in the creation of a new lot which does not conform with the PPS.

Subsequently, Section 2.3.4.1 of the PPS speaks to lot creation in prime agricultural lands:

"Lot creation in prime agricultural area is discouraged and may be only permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

Planning Comments: The lots are not sufficient in size according to our Official Plan. Please find the planning comment addressing this section of the PPS in the Official Plan section

 agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

Planning Comments: The proposed use of greenhouse falls under 2.3.4.1 a) of the PPS and it is the opinion of the planning staff that this section of the PPS does not apply.

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

Planning Comments: The proposal is not considered to be a residence surplus and it is the opinion of the planning staff that this section of the PPS does not apply.

d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way."

Planning Comments: The proposal is not considered to be used for infrastructure and it is the opinion of the planning staff that this section of the PPS does not apply.

A Place to Grow, 2020

A Place to Grow does not have specific policies that have regards to lot creation. It is the opinion of the Planning Staff that the application does not conflict with the A Place to Grow Plan.

Haldimand County Official Plan (OP)

Section H.3(a) of the Haldimand County Official Plan states that:

"3. Generally consent to sever land in the Agricultural designation may be considered in accordance with the following criteria:

a) The parcel to be severed and the parcel to be retained are both for agricultural use and are a minimum of 40 hectares in size.

Planning Comments: The severed parcel is proposed to be 15.10 hectares and the retained parcel is proposed to be 25.05 hectares which are both under the minimum lot size requirement under section H.3(a) of the Official Plan. It is the opinion of planning staff that the application does not conform to section H.3(a) of the Official Plan.

b) Severances for individual, small-scale agriculturally-related uses may be permitted provided that the severance of these uses meet MDS requirements, does not form strip development and the size of the parcel is limited to the amount of land specifically required for the use.

Planning Comments: The proposal is not considered to be an individual or small-scale agriculturally-related use. It is the opinion of the planning staff that this section of the OP does not apply.

c) Severances for legal or technical reasons, including minor boundary adjustments, easements or right-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm."

Planning Comments: The proposed boundary adjustment will create a new lot and it is the opinion of the planning staff that the application does not conform with section H.3(c) of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agriculture (A)". The A zone requires a minimum lot area of 1,855 square metres (0.46 acre) and a minimum lot frontage of 30 metres (98.43 ft), the severed lot will meet the minimum required lot standards. The subject application meets the minimum required lot standard and is deemed appropriate for the proposed severed lot.

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 April 1, 2024.

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

A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang,

Secretary Treasurer, Committee of Adjustment - Planning & Development 905-318-5932 ext. 6220

Reviewed by:

Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 118.94 metres (390.22 feet), and an area of 15.1 hectare (37.31 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 The draft plan must be

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

Projected Coordinate System: NAD_1983_UTM_Zone_17N Projection: Transverse_Mercator

False_Easting: 500000.00000000

 False_Northing:
 0.00000000

 Central_Meridian:
 -81.00000000

 Scale_Factor:
 0.99960000

 Latitude_Of_Origin:
 0.00000000

Linear Unit: Meter

Geographic Coordinate System: GCS North American 1983

Datum: D_North_American_1983

Prime Meridian: Greenwich Angular Unit: Degree

4. Partial Lot Grading Plan

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

5. Entrance permit required (severed and retained lands)
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

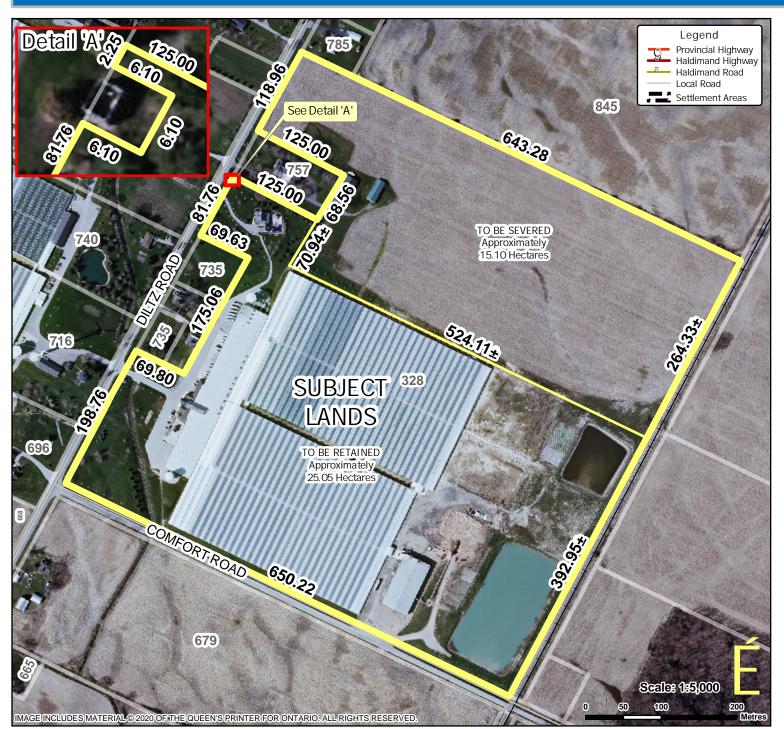
parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April, 16th 2025, after which time this consent will lapse.

File No. PLB-2024-035

Assessment Roll No. 2810.023.001.18200.0000

Location Map FILE #PLB-2024-035 APPLICANT: Bulk Growers Holdings Limited





Location:

328 COMFORT ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5

Legal Description:

MOULTON CON 2 FROM CANBOROUGH PT LOTS 12 AND 13 RP 18R4688 PT PARTS 1 AND 2

Property Assessment Number:

2810 023 001 18200 0000

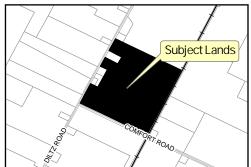
Size:

40.15 Hectares

Zoning:

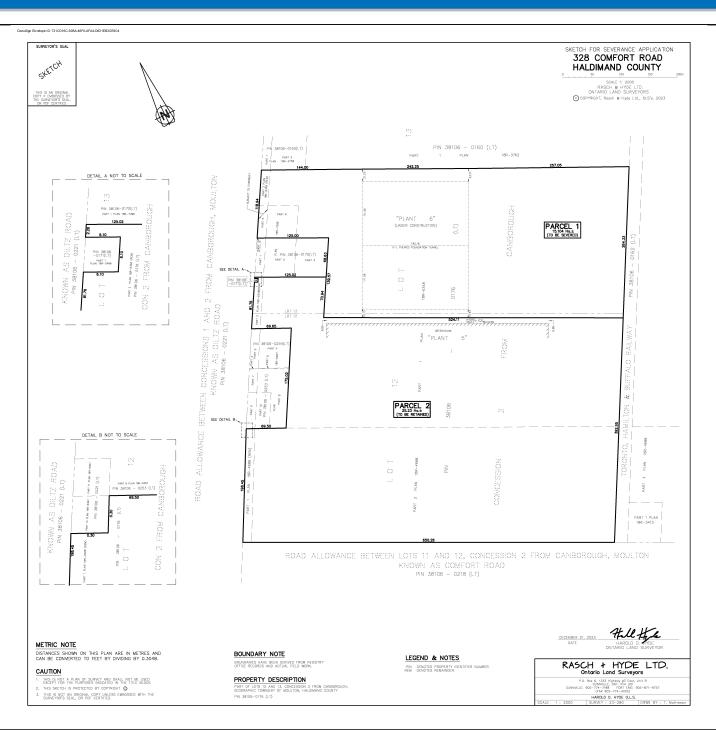
A (Agriculture) & NPCA Regulated Lands

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Owner's Sketch FILE #PLB-2024-035 APPLICANT: Bulk Growers Holdings Limited







Haldimand County Committee of Adjustment Minor Variance

Meeting Date: April 16, 2024

File Number: PLA-2024-022

Property Roll Number: 2810-332-002-02500-0000

Applicant: Donald Nicklin & Nancy Cronkwright

Agent: N/A

Property Location: Concession 1, Part Lot 13, Reference Plan 18R7785, Parts

1 and 2 Pt Part 3, Geographic Township of Walpole, Known

Municipally as 514 South Coast Drive

Recommendation

That application PLA-2024-022 be approved as it is considered to be consistent with the Provincial Policy Statement, 2020 (PPS), complies with the Growth Plan, 2020, conforms to the Haldimand County Official Plan and meets the general intent and purpose of the Haldimand County Zoning By-law No. HC 1-2020, as amended. It is also considered minor in nature and appropriate development of the lands. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the lot frontage, front yard setback, interior side yard (Lt) and the frontage unimproved provisions of the Agricultural (A) Zone of Zoning By-law HC 1-2020, as amended, to facilitate the relocation of an existing cottage further inland to its former location (prior to 1993) due to rising water levels and erosion hazards of Lake Erie and as per requirements of the Long Point Region Conservation Authority (LPRCA). The existing cottage is located on an unimproved road and as such, will require relief from providing lot frontage on an improved road. The requested variances are as follows:

Development Standard(s)	Required	Proposed	Deficiency
Lot Frontage	Unimproved Road	30.48 m (100 feet)	No Frontage
Front Yard Setback	13 m (42.7 feet)	3.5 m (11.5 feet)	9.5 m (31.2 feet)

Development Standard(s)	Required	Proposed	Deficiency
Interior Side Yard (Lt)	3 m (9.8 feet)	1.8 m (5.9 feet)	1.2 m (3.9 feet)
Frontage Unimproved	On Improved Road	No Frontage	No Frontage

The relief is requested to facilitate the relocation of the existing cottage outside of the shoreline hazard lands to ensure the long-term protection of the dwelling and to meet LPRCA requirements.

Site Features and Land Use: The subject lands are located in the Geographic Township of Walpole, on the southern edge of Haldimand County on an unimproved road along South Coast Drive. The subject property currently contains a single dwelling (cottage) and accessory structures (garage). Surrounding land uses consist primarily of low density residential (single detached homes and cottages along the lakefront) with some agricultural land to the north.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

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

Haldimand County Planning & Development Services – Development

Technologist: Partial lot grading plan is required as existing dwelling is being relocated to new location.

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" and "Lakeshore Hazard Lands" in the Haldimand County Official Plan. Single and semi-detached dwellings and accessory buildings are permitted uses within the Agriculture designation. The proposed relocation of the existing dwelling will reduce the potential for damage caused by flooding and erosion of the Lake Erie shoreline and will bring the structure more inline with the policies of the Official Plan, including those of the Provincial Policy Statement, 2020 (PPS) as they pertain to Natural Hazards (Section 3.1 of the PPS).

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 No. HC 1-2020, as amended. Single detached dwellings and existing accessory uses are permitted in the (A) zone. The subject application is seeking relief in the lot frontage, front yard setback, interior side yard (Lt) and frontage on an unimproved road to facilitate the relocation of the existing dwelling away from the shoreline hazard to ensure the long-term protection of the home due to the potential for erosion and possible flooding due to rising lake levels. No additional changes are proposed and the proposed location on the unimproved road is consistent with surrounding homes also located on the unimproved road. It is not possible to comply with the lot frontage provisions given its location on an unimproved road.

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 requested variances are to facilitate the relocation of an existing single detached dwelling away from the shoreline hazard. No further development is anticipated nor are there any anticipated conflicts to the existing neighbouring properties. The relocation is the ensure the long-term protection of

the home and its occupants, and to bring it more into conformity with the Official Plan, the PPS as it pertains to Natural Hazards and the LPRCA requirements for setbacks from the Lake Erie shoreline.

It is staff's opinion that the requested variances in the subject application are desirable for the appropriate development of the lands in question.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it is the opinion of Planning staff that the subject application is minor and ensures the long-term protection and safety of the structure and its occupants.

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 April 3rd, 2024.

A copy of the staff report has been provided to the applicant.

Prepared by:

Mark Andrews, M.A., MCIP, RPP

Senior Planner

905-318-5932 ext. 6202

MAndens

Reviewed by:

Krystina Wheatley, CET

English heatley

Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-022 APPLICANT: Nicklin & Cronkwright





Location:

514 SOUTH COAST DRIVE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WALPOLE CON 1 PT LOT 13 RP 18R7785 PARTS 1 AND 2 PT PART 3

Property Assessment Number:

2810 332 002 02500 0000

Size:

0.13 Hectares

Zoning:

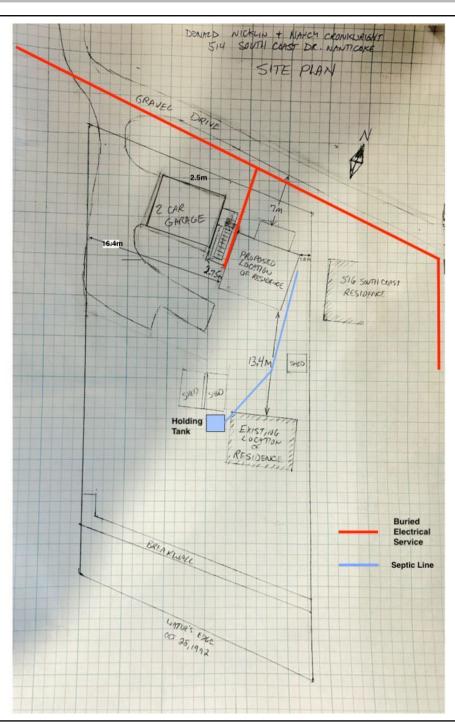
A (Agriculture), HCOP Lakeshore Hazard Lands, LPRCA Regulated Lands

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Owner's Sketch FILE #PLA-2024-022 APPLICANT: Nicklin & Cronkwright







Haldimand County Committee of Adjustment Minor Variance

Meeting Date: April 16, 2024

File Number: PLA-2024-036

Property Roll Number: 2810-024-006-35040-0000

Applicant: 918965 Ontario Ltd.

Agent: Michael McLachlin

Property Location: Part Lots 1 and 2, Plan 1407 and Parts 2 and 3, Reference

Plan 18R7103, Located at the Southeast Corner of George

Street and Cross Street West, Dunnville

Recommendation

That application PLA-2024-036 be approved as it is considered to be consistent with the Provincial Policy Statement, 2020 (PPS), complies with the Growth Plan, 2020, conforms to the Haldimand County Official Plan and meets the general intent and purpose of the Haldimand County Zoning By-law No. HC 1-2020, as amended. It is also considered minor in nature and appropriate development of the lands.

Details of the Submission

Proposal: Relief is requested from the height of building and residential density provisions of the Urban Residential Type 3 (R3) Zone of Zoning By-law HC 1-2020, as amended by DUN37.347 as follows:

Development Standard(s)	Required	Proposed	Deficiency	
Height of Building	11 m (36.1 feet)	13.7 m (44.9 feet)	2.7 m (8.9 feet)	
Residential Density	Nine (9) buildings containing four (4) dwelling units	Five (5) buildings containing four (4) dwelling units and four (4) buildings containing six (6) dwelling units	Increase of eight (8) dwelling units	

The relief is requested to permit the development of nine (9) dwellings containing a total of forty-four (44) dwelling units on the subject property. Five (5) of the proposed dwellings will contain four (4) dwelling units and four (4) are proposed to contain six (6) dwelling units.

Site Features and Land Use: The subject property is currently a vacant parcel of land located at the southeast corner of George Street and Cross Street West in the Dunnville urban area. Surrounding land uses consist primarily of low and medium density residential, with additional vacant parcels of land to the immediate east which is also intended for future residential development.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No Comments or Concerns.

Haldimand County Planning & Development Services – Development

Technologist: Grading plan and daylight triangle required when submitting the grading plans for approvals.

Grand River Conservation Authority / Long Point Region Conservation Authority / Niagara Peninsula Conservation Authority: No Comments or Concerns.

Ministry of Transportation: No Comments or Concerns.

Hydro One: No Comments or Concerns.

Municipal Property Assessment Corporation: No Comments or Concerns.

Mississaugas of the Credit: No Comments or Concerns.

Six Nations: No Comments or Concerns.

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: Under the current policies of the Haldimand County Official Plan, the subject property is designated as Residential in accordance with Official Plan Schedule "B.3" (Dunnville Urban Area Land Use Plan).

The residentially designated areas in the County's Official Plan permit all forms of residential development, in accordance with the policies specified in the Official Plan. These policies include the availability of services, located in proximity to an arterial or collector road, the effect of the development on the overall housing needs of the community, the ability to provide adequate parking and the effect of the use on neighbouring residential development with respect to the density, form and height.

With a proposed density of approximately 64.7 units per hectare (previously 53 units per hectare), this is in line with the high density (apartment buildings) requirements which permit a maximum density of up to 75 units per gross residential hectare.

It is Staff's opinion that the proposed variances do not conflict with any of the residential policies of the Haldimand County Official Plan and provides a greater range of needed housing to meet Provincial growth targets and as such, maintains the general intent of the Official Plan.

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

Planning staff comment: The subject property is zoned Urban Residential Type 3 (R3), in accordance with Haldimand County Zoning By-law No. HC 1-2020, as amended by DUN37.347. The R3 zone permits multiple unit dwellings containing up to 4 dwelling units (four-plex).

The R3 zone is intended to permit a greater range of multi-unit dwellings, in the form of semi-detached, tri-plex and four-plex dwellings. As the predominant form of the proposed development will consist of four-plexes with the four (4) remaining proposed to contain an additional two (2 units) each, the intent of the zone is maintained in a slightly modified form. The built form of the dwellings will comply with all other provisions of the R3 zone, such as setbacks, lot coverage, landscaping and required parking.

It is Staff's opinion that the proposed variances meet the overall intent of the R3 zone of Haldimand County Zoning By-law No HC 1-2020, as amended.

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

Planning staff comment: The subject lands are located in a residential area, on a vacant parcel in urban Dunnville that is fully serviced, with a mix of residential forms, including single detached and townhouse dwellings and within walking distance of many neighbourhood amenities. The proposal also provides a wider range of housing options and opportunities and meets County and provincial housing targets and is a good example of infill development. The function of the site is appropriate and the proposed variances will assist in providing much needed housing in the Province and in Haldimand County.

It is Staff's opinion that the proposed variances are desirable for the appropriate development of the lands.

4. Is the application minor?

Planning staff comment: The proposed variances include building height and residential density. With a proposed increase in building height of 2.7 m (8.9 feet) and an increase in eight (8) dwelling units within the proposed building footprints which were approved through a previous Site Plan application, the proposal reflects a minor increase that will not result in any significant perceived changes that would alter the compatibility of the multi-unit dwellings. With adequate parking that meets the minimum parking requirements of the Zoning By-law and with a compatible interface and separation consisting of a privacy fence and landscaping, it is Staff's opinion that the requested variances are minor in nature.

Overall, the proposed use is permitted within the Official Plan and the Zoning By-law and the variances requested represent a minor deviation of the provisions of the R3 Zone. Therefore, it is Staff's opinion that the subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on March 18th, 2024.

A copy of the staff report has been provided to the applicant.

Prepared by:

MAdus

Mark Andrews, M.A., MCIP, RPP Senior Planner 905-318-5932 ext. 6202

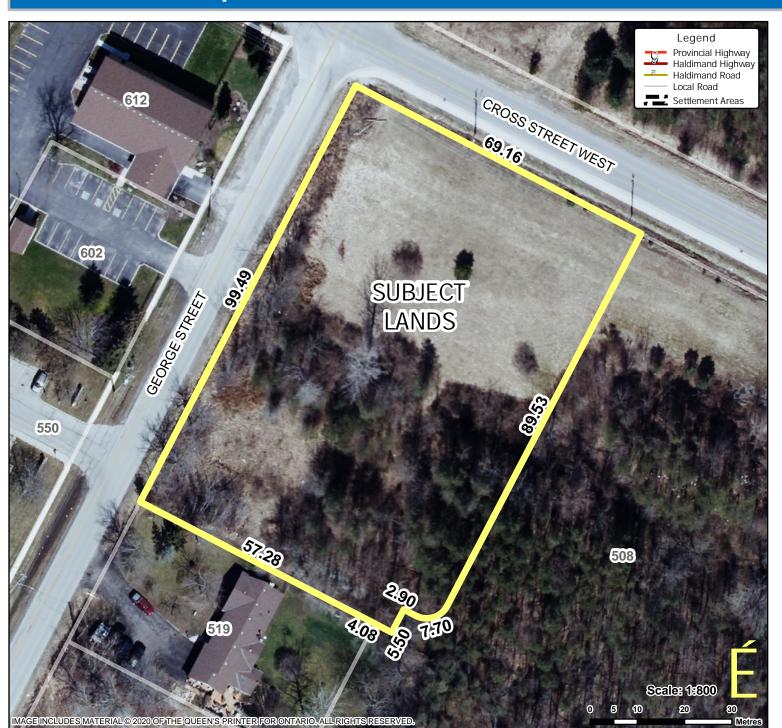
Reviewed by:

Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-036 APPLICANT: 918965 Ontario Limited





Location:

GEORGE STREET & CROSS STREET WEST URBAN AREA OF DUNNVILLE WARD 6

Legal Description:

PLAN 1407 PT LOTS 1 AND 2 RP 18R7103 PARTS 2 AND 3

Property Assessment Number:

2810 024 006 35040 0000

Size:

0.68 Hectares

Zoning:

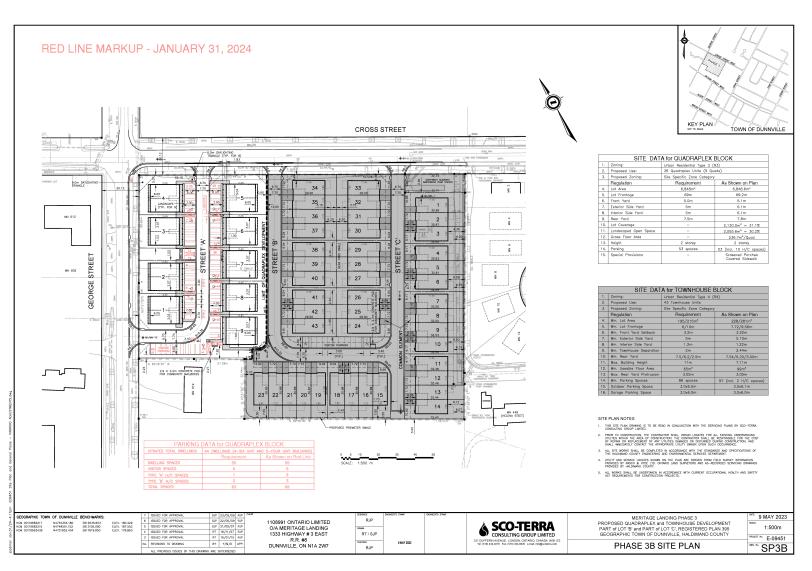
R3(H) (Urban Residential Type 3 - Holding)

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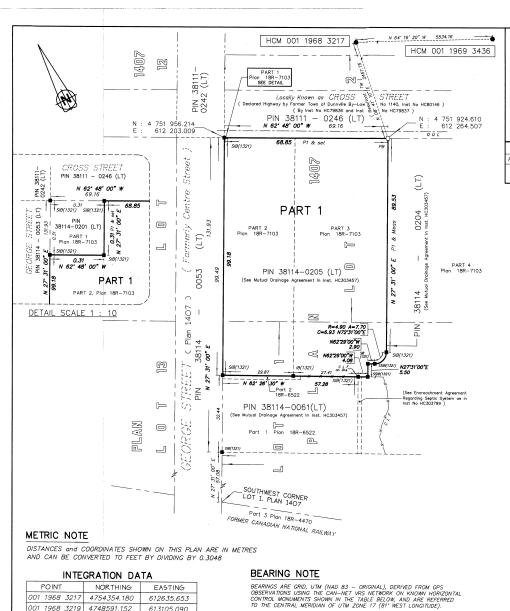


Owner's Sketch 1 of 2 FILE #PLA-2024-036 APPLICANT: 918965 Ontario Limited





Owner's Sketch 2 of 2 FILE #PLA-2024-036 APPLICANT: 918965 Ontario Limited



DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0,99973334)

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17. (NAD 83 - ORIGINAL) (CENTRAL MERIDICAN 81" WEST LONGITUDE).

COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O. REG 216/10.

REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

FEBRUARY 12, 2019

ONTARIO LAND SURVEYOR

PLAN 18R- 7723

RECEIVED AND DEPOSITED

FEBRUARY 15, 2019

TRACY BURKE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF HALDIMAND (No. 18)

SCHEDULE				
ART	LOT	PLAN	PIN NO	
1	PART OF LOTS 1 AND 2	1407	ALL OF PIN 38114-0205 (LT)	

Plan of Survey of PART OF THE LOTS 1 and 2 REGISTERED PLAN 1407 HALDIMAND COUNTY

Ontario Land Surveyors

SCALE 1: 750 Rasch & Hyde Ltd.

LEGEND & NOTES

DENOTES SURVEY MONUMENT PLANTED SURVEY MONUMENT FOUND
STANDARD IRON BAR (25mmX25mmX120cm)
SHORT STANDARD IRON BAR (25mmX25mmX60cm) DENOTES IRON BAR (15mmX15mmX60e ROUND IRON BAR (20mm DIA X 60cm)
IRON TUBE DENOTES PLASTIC BAR DENOTES WITNESS
DENOTES ORIGIN UNKNOWN
DENOTES PROPERTY IDENTIFIER NUMBER DENOTES RASCH & HYDE O.L.S. DENOTES OVERHEAD UTILITY/HYDRO LINE ò u í DENOTES CHAIN LINK FENCE DENOTES RADIUS, ARC, CHORD

ALL BEARINGS AND DISTANCES AGREE WITH P1 UNLESS NOTED OTHERWISE

SURVEYOR'S CERTIFICATE

T. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

OCTOBER 24, 2018



RASCH + HYDE LTD. Ontario Land Surveyors

1333 Highway #3 East, Unit B, P.O. Box 6 DUNNVILLE, ONT, N1A 2X1 HAROLD D. HYDE O.L.S.

1 : 750 SURVEY: 18-065_RP-2 | DRWN BY: T.M. / G.P.

County

CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH

613105.090

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Haldimand County Committee of Adjustment Minor Variance

Meeting Date: April 16, 2024

File Number: PLA-2024-037

Property Roll Number: 2810-1570-0211-900-0000

Applicant: Harvey Hyma and Deborah Hyma

Agent: John Barnhart (The Building Permit Guy)

Property Location: Legally described as South Cayuga Concession 7 Part Lot

17, and municipally known as 2503 Lakeshore Road

Recommendation

That application PLA-2024-037 be approved. The application meets the four tests of a minor variance.

Details of the Submission

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

Development Standard(s)	Required	Proposed	Deficiency
Interior Side Yard	3.0 metres	0.67 metres	2.33 metres
	(9.84 feet)	(2.2 feet)	(7.6 feet)
Eave Projection	0.0 metres	305 mm	305 mm
	(0 feet)	(1.0 feet)	(1.0 feet)

The relief is requested to permit the applicants to tear down and existing detached garage on the east side and to the rear of the existing house, and replace it with an addition to the east side of the house with the garage at the ground level and living space above.

The interior side yard setback for the existing detached garage and the proposed addition to the house are very similar. Given the reduced setback, staff were concerned that the eaves of the addition in the first proposal would project so close to the property line, there was potential they may encroach on the neighboring property. Staff worked with the applicants and their agent, and it was agreed that the eaves could project 305 mm (1 foot) into the proposed 0.67 metre (2.2 foot) interior side yard setback.

Site Features and Land Use: The subject lands are divided into two parts, one north of Lakeshore Road and the other south located between Lakeshore Road and Lake Erie. The part to the north is where the existing house is located and is a relatively small parcel of land.

The existing house is serviced by a cistern and holding tank, and this would continue to be the case should the application be approved.

Surrounding land uses to the east and west are predominantly residential, to the north predominantly agricultural, and to the south Lake Erie.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: See zoning deficiency form

Haldimand County Planning & Development Services – Development Technologist: Direct runoff to watercourse assurances (in lieu of grading plan). Drainage assurance form is needed to be signed in lieu of a grading plan.

Haldimand County Emergency Services: No comments

Haldimand County Water and Wastewater Engineering & Compliance: No comments

Grand River Conservation Authority : The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application. The subject property contains the Lake Erie erosion hazard and the regulated allowance adjacent to the erosion hazard. Due to the presence of these features, the entire property is regulated by the GRCA under Ontario Regulations 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development on the property will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24. GRCA recently issued permit 914-23 for the proposed garage and the plans circulated with application are consistent with the approved permit, application is

considered 'minor' minor variance and the applicant will be invoiced a total of \$300.00 dollars for the GRCA's review of this application.

Ministry of Transportation: No comments

Hydro One: No comments

Municipal Property Assessment Corporation: No comments

Mississaugas of the Credit: No comments

Six Nations: No comments

Public: No comments received.

Planning Analysis

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

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

Planning staff comment:

The subject property is designated Resort Residential Node and Lakeshore Hazard Lands on Schedule D.11 of the Official Plan. Policy F.7.

Single detached dwellings, generally for seasonal use, and accessory structures are permitted uses in the Resort Residential Nodes.

The Lakeshore Hazard Land designation applies only to that part of the subject lands located south of Lakeshore Road, so it does not affect the proposal for the lands north of Lakeshore Road. However, as per the Grand River Conservation Authority (GRCA) comments, further development on the property will require written approval from the GRCA.

The subject property is an existing lot of record, with an existing house and an existing detached accessory structure/garage. Staff are satisfied that the applicant's proposal to demolish the existing accessory structure and replace it with an addition to the house meets the general intent and purpose of the Official Plan.

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

Planning staff comment: The subject property is zoned Agricultural (A) in Haldimand County Comprehensive Zoning By-law HC 1-2020. Single detached dwellings and accessory structures are permitted uses in the Agricultural Zone

- (A). Staff are satisfied that the two proposed variances required to permit the demolition of the existing accessory structure to allow for the construction of an addition to the dwelling meet the general intent and purpose of the Zoning Bylaw.
- 3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment: The applicant has requested two variances to permit the construction of an addition to the existing dwelling (garage, and living space) to replace an existing detached garage proposed to be demolished. No negative impacts have been identified and no objections have been received regarding this proposal. Staff are of the opinion that the application is desirable for the appropriate development of the subject lands.

4. Is the application minor?

Planning staff comment: The applicant has requested two variances to permit the construction of an addition to the existing dwelling (garage, and living space) to replace an existing detached garage proposed to be demolished. No negative impacts have been identified and no objections have been received regarding this proposal. Staff are of the opinion that the application is minor.

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

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on March 26th, 2024.

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

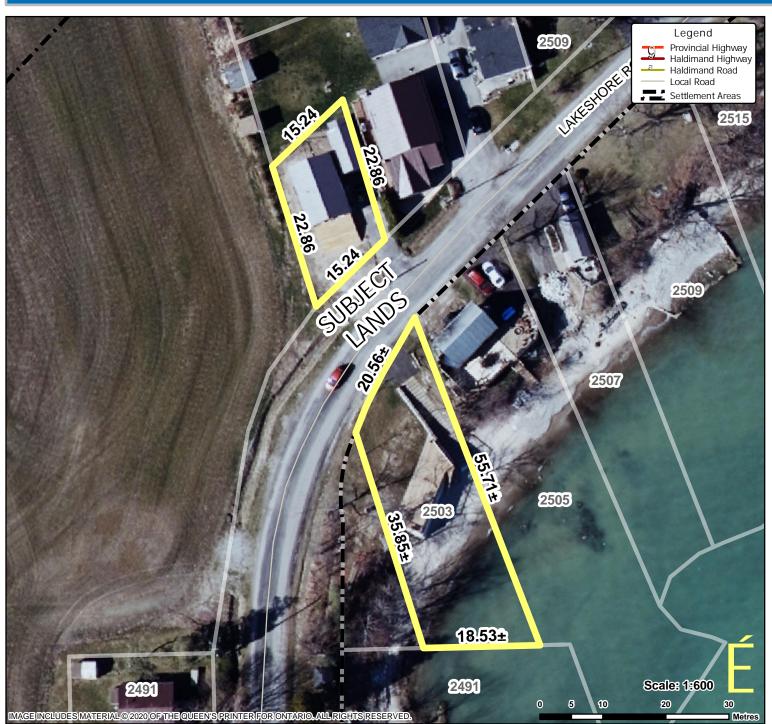
Reviewed by:

Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-037 APPLICANT: Hyma





Location:

2503 LAKESHORE ROAD GEOGRAPHIC TOWNSHIP OF SOUTH CAYUGA WARD 2

Legal Description:

SCAY CON 7 PT LOT 17

Property Assessment Number:

2810 157 002 11900 0000

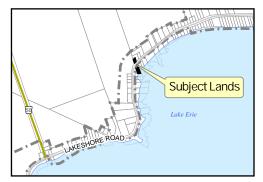
Size:

0.04 Hectares

Zoning:

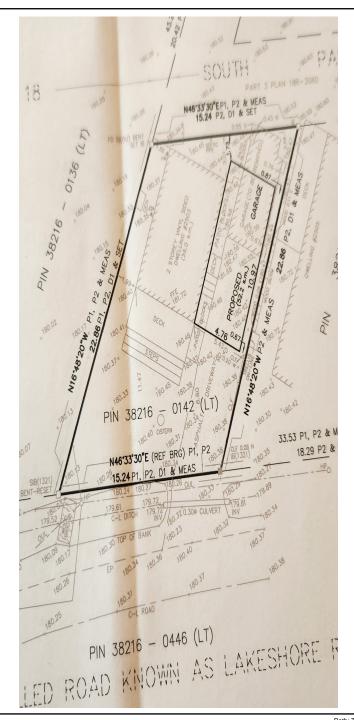
A (Agriculture), HCOP Lakeshore Hazard Lands, GRCA Regulated Lands

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Owner's Sketch FILE #PLA-2024-037 APPLICANT: Hyma







Haldimand County Committee of Adjustment Minor Variance

Meeting Date: April 16, 2024

File Number: PLA-2024-038

Property Roll Number: 2810-025-001-23000-0000

Applicant: Innophos Canada Inc.(as lessee/operator)

Agent: Adam Moote, Landpro Consulting

Property Location: SHERBROOK PLAN 776 LOT 1 TO 14 EAST TALBOT, and

municipally known as 109 Siddall Road

Recommendation

That application PLA-2024-038 be approved. The application meets the four tests of a minor variance.

Details of the Submission

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

Development Standard(s)	Required	Proposed	Deficiency
Yard Setback	6.0 metres	4.675 metres	1.325 metres
	(19.69 feet)	(15.34 feet)	(4.325 feet)
Height	11 metres	15.96 metres	4.96 metres
	(36 feet)	(52.36 feet)	(16.27 feet)

The relief is requested to permit the expansion of an existing industrial building located on the subject property.

Site Features and Land Use: The subject property is located at the south west corner of Feeder Canal and Siddall Roads. It is an irregularly shaped parcel of land approximately 18.44 hectares (45.56 acres) in area with approximately 369 metres (1,210.63 feet) of frontage on the west side of Siddall Road.

Approximately 12 hectares of the subject property, primarily the west side of the property, is zoned Agricultural and Wetland. A small portion of wetlands is located at the north east corner of the property by the intersection of Feeder Canal and Siddall Roads. The east third of the property, a rectangular portion running along Siddall Road, contains the existing industrial buildings. An existing rail siding serving the property runs between the wetland and the existing industrial buildings.

The property is serviced by private cistern and septic, and storm water drainage is via ditches.

According to the application, before being used for industrial purposes, the site was a Naval Reserve.

Surrounding land uses include: Industrial, Marine Industrial, road allowance, natural landscape (including the wetland) and past the natural landscape a private road then the Grand River.

Existing Intensive Livestock Operations: No intensive livestock operations were observed near the subject lands during the site visit.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Building services has no objection to the variances as set out by the applicant.

Haldimand County Planning & Development Services – Development Technologist: Applicant may need a permission from the GRCA Flooding hazard area.

Haldimand County Emergency Services: No comments.

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

Grand River Conservation Authority: GRCA has no objection to the approval of this minor variance application. Technical requirements provided to the applicant and Haldimand County at the pre-consultation stage will need to be addressed through forthcoming site plan and permit applications.

GRCA Comments

GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 and as a public body under the Planning Act as per our CA Board approved policies.

Information currently available at our office indicates that the subject property contains wetlands, waterbodies, riverine floodplain, the Lake Erie flooding hazard, and the regulated allowances to these features. Consequently, the subject lands are regulated by GRCA under Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits Regulation). Any new development and/or site alteration within the regulated areas requires a permit from the GRCA. No new development or alteration is permitted within wetland areas under Ontario Regulation 41/24.

It is our understanding that the applicant proposes to redevelop the subject lands to expand an existing industrial facility, including the construction of a new 7,498 m2 warehouse; relocation and reconfiguration of logistics facilities, parking areas; and demolition of existing accessory structures. Further, we understand that this application seeks relief from maximum height and required front-yard setback provisions in Haldimand County's zoning by-law.

GRCA was involved in pre-consultation for this proposed expansion, and issued comments dated January 17, 2024 outlining a range of technical reports and planning requirements to be submitted as part of forthcoming site plan and GRCA permit applications to demonstrate that any impacts to regulated features will be minimized and mitigated. The proposed variance does not affect GRCA's view of the proposal's ability to meet applicable policies, and therefore we have no objections to approval by Haldimand County. Refer to GRCA's January 2024 comments for requirements to be met in subsequent applications.

In accordance with GRCA's current Plan Review Fee Schedule, this application is considered a "minor" minor variance application and entails a fee of \$300. This will be subtracted from the total major site plan review fee total previously indicated (\$3,515), and the balance will be required at the time of formal submission. A separate fee will be required for a GRCA permit.

Ministry of Transportation: No comments.

Hydro One: No comments.

Municipal Property Assessment Corporation: No comments.

Mississaugas of the Credit: No concerns at this time. MCFN still requests completion of a stage 1 Archaeological assessment and Environmental Impact Study (EIS) at the Site Plan stage.

Six Nations: In the proximity of the Grand River SNGREC would require a stage 1 Archaeological assessment to be completed.

Public: No comments received.

Planning Analysis

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

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

Planning staff comment: The subject property is designated Agricultural, Wetland on Schedule A.3 of the Official Plan. While Industrial uses are not typically permitted in the Agricultural designation, the current Industrial operation on the site predates the Official Plan. The application indicates that the current configuration of buildings on the lot has been in place for approximately 50 years. The building addition is proposed to be located between the existing buildings and Siddall Road, and therefore should not directly impact the wetlands or agricultural lands to the west. Staff are of the opinion that the proposed variances meet the general intent and purpose of the Official Plan.

Staff also note that the proposed expansion will be subject to an application for Site Plan Approval at which time details of the proposal will be reviewed by County Departments and External Agencies.

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

Planning staff comment: The subject property is zoned Agricultural (A), Wetland (W), General Industrial (MG), with Hazard Land Overlays. The existing Industrial buildings and the proposed additions to those buildings for which the variances are being requested are located on that portion of the subject property zoned General Industrial.

The intent of the Zoning By-law standards is to reduce the risk of potential impacts of proposed development on neighbouring properties and environmentally sensitive features, etc. The application was circulated to internal departments and external agencies for review and comment. No objections to the proposed variances have been raised. Additionally, the County has not received any public objections or concerns regarding the proposal.

Staff are satisfied that the proposed variances meet the general intent and purpose of the Zoning By-law.

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

Planning staff comment: The subject property is zoned General Industrial (MG). The existing and proposed uses are Industrial. The County has not received any objections, or concerns about potential negative impacts regarding the proposed variances. Staff are of the opinion that the proposed variances are desirable for the appropriate development of the lands in question.

4. Is the application minor?

Planning staff comment: The applicant is proposing an expansion to industrial buildings that have been on the subject property for approximately 50 years. The portion of the subject property housing the industrial uses are appropriately zoned General Industrial (MG). No concerns or objections have been raised by internal departments, external agencies or the public. Staff are of the opinion that the proposed variances are 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 April 2nd, 2024.

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:

Krystina Wheatley

Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-038 APPLICANT: Innophos Canada Inc





Location:

109 SIDDALL ROAD GEOGRAPHIC TOWNSHIP OF SHERBROOKE WARD 5

Legal Description:

SHB PLAN 776 LOT 1 TO 14 ETAL

Property Assessment Number:

2810 025 001 23000 0000

Size:

18.44 Hectares

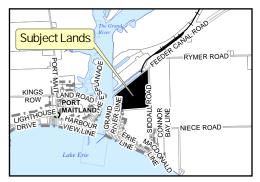
Zoning:

A (Agriculture), MG (General Industrial), W (Wetland), GRCA Regulated Lands,

HCOP Riverine Hazard Lands.

HCOP Wetland, MNR Unevaluated Wetland,

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ALL INFORMATION TO BE VERIFIED.





April 08, 2024.

To whom it may concern,

I am aware of the public meeting being held regarding File # PLB-2024-035. I am familiar with the boundary adjustment and the work that is being contemplated at that property.

As an immediate neighbour, I have discussed this process and planning with the property owner making the application and I do not have concerns regarding this application.

Best regards,

Jeff DeBoer

785 Diltz Road, Dunnville.

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April 08, 2024.

To whom it may concern,

I am aware of the public meeting being held regarding File # PLB-2024-035. I am familiar with the boundary adjustment and the work that is being contemplated at that property.

As an immediate neighbour, I have discussed this process and planning with the property owner making the application and I do not have concerns regarding this application.

Best regards,

Henry Westerveld

782 Diltz Road, Dunnville.

Owner's Sketch FILE #PLA-2024-038 APPLICANT: Innophos Canada Inc

