



Haldimand County Committee of Adjustment Consent

Meeting Date: May 14th, 2024
File Number: PLB-2024-049
Property Roll Number: 2810-022-003-07700-0000
Applicant: Shirton Farms Inc.
Agent: Kim Hessels
Property Location: CANBOROUGH CONCESSION 2 PART LOT 8 RP 18R7492,
known municipally as 420 Moote Road, Dunnville

Recommendation

That application PLB-2024-049 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 420 Moote Road, legally described as Canborough Concession 2 Part Lot 8 Registered Plan 18R7492.

The proposed severance is being requested as a result of a surplus farm dwelling, the property was purchased by Shirton Farms Inc in June 2023 to obtain the agricultural lands, resulting in the single detached dwelling being surplus to the farming operations needs. Other owned farm operations are provided within the “Residential Lot in a Rural Area Information Form” found within file “PLB-2024-049” to prove that the agricultural lands are to be amalgamated with current farming operations owned by applicant.

The proposed severed lands contain an existing two-storey detached dwelling and a large storage shed approximately 464.51 square meters (5000 square feet) in size, the

storage shed has been deemed to be in good condition – and due to the location of the storage shed, it is inaccessible to the farmers and therefore it is in the best interest to keep the shed on the severed lands, while acknowledging that the shed is not to be used to store agricultural uses if application is to go forward. The oversized structure will be addressed through condition four (4), creating a zoning by-law amendment to address the size of the accessory structure. The proposed severed lands will have an area of approximately 0.60 hectares (1.49 acres) and a frontage of approximately 98 meters (321.52 feet), fronting onto Moote Road which is classified as a municipal road.

The proposed retained lands will have an area of approximately 16.9 hectares (41.76 acres), fronting onto municipal road County Line Road, with a frontage of approximately 310.5 meters (1018.7 feet) fronting onto municipal road Moote Road, no existing buildings or structures are on or being proposed for the retained lands.

Site Features and Land Use:

The Subject Lands are zoned Agricultural (A), and contain a small portion of Niagara Peninsula Conservation Authorities Regulated Lands to the south-east of the property.

The Subject Lands are an irregular shape, resembling the shape of a right angled triangle, with approximately 16.8 Hectares (41.6 Acres) in size and have a frontage of approximately 404.8 meters (1,328 feet) on the east side of Moote Road. The Regulated Hazard Lands are located in the south-east portion of the proposed retained lands.

The Subject Lands consist of an existing two-storey single detached dwelling, and one large storage shed on the proposed severed lands (approximately 5000 square feet), the storage shed has been reviewed by planning staff and having it remain with the severed dwelling with the condition of a zoning by-law amendment to address the size, be supported due to the condition of the building as well as the location. The proposed retained lands do not have any buildings on the property and they do not plan on adding any to the lands. The single detached dwelling is serviced by individual wells, septic systems and open ditches.

The surrounding land uses include agricultural and Niagara Peninsula Conservation Authorities regulated lands on the abutting lands to the north-east, south-east, to the south, and on the adjacent property to the west of Moote Road. The Subject Lands are roughly 2.0km (1.22 mile) drive east from the Hamlet of Dunnville.

Existing Intensive Livestock Operations: It was noted in the application that there is a livestock facility within 230 meters of the Subject Lands, 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:

Confirmation that the retaining parcel has an entrance.

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, applicant has completed a septic evaluation through Enviro-Check Consulting on March 15th, 2024. 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 0.60 hectares (1.5 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-2024-049).

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 single detached dwelling and the storage shed became surplus to the farm operation after the property had been purchased by Shirton Farm Inc and amalgamated with the existing farm property owned by the applicant in June, 2023. The applicant has been farming within the municipality for over 30 years and has provided a "Residential Lot in a Rural Area Information Form" to provide evidence of previous farming operations. The storage shed is in a location that the farmers would not be able to access it for use after severance, so it is in the best interest to keep the storage shed with the dwelling.

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: There is a farm operation to the south west of the Subject Lands by approximately 230 meters, 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 April 30th, 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 Moote 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 'Agricultural (A)' Zone and has approximately 0.3 Hectares (0.75 acres) of meters of NPCA Regulated Lands in the south-east portion of the proposed retained lands. The storage shed is 464.5 meters (5000 square feet), where 200 square meters (1,152.7 square feet) is required. The building will be 264.5 meters (2841.6 square feet) over the maximum accessory structure allowance size, which will

be addressed through condition four (4) with a zoning by-law amendment. 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 April 9th, 2024.

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

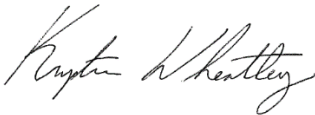
Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report 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 APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
2. That the owner’s solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. That a septic evaluation for severed parcel be completed and submitted **to the Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. Receipt of final approval of the required zoning by-law amendment to address the size of the accessory structure and to rezone the retained lands to remove residential use as a permitted use (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 98.00 metres (321.52 feet), and an area of 0.6 hectare (1.48 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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

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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2026, after which time this consent will lapse.

File No. PLB-2024-049

SHIRTON DALE CHARLES

Assessment Roll No. 2810-022-003-07700-0000

Location Map FILE #PLB-2024-049 APPLICANT: Shirton



Location:
420 MOOTE ROAD
GEOGRAPHIC TOWNSHIP OF CANBOROUGH
WARD 6

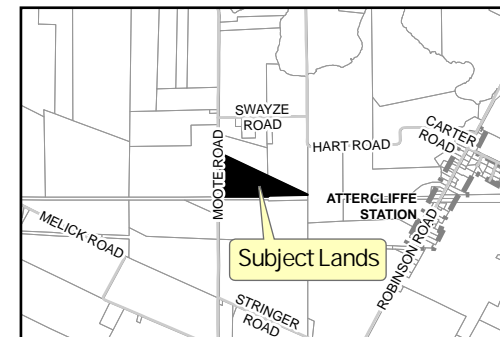
Legal Description:
CANBOROUGH CON 2 PT LOT 8 RP 18R7492
PART 1

Property Assessment Number:
2810 022 003 07700 0000

Size:
17.50 Hectares

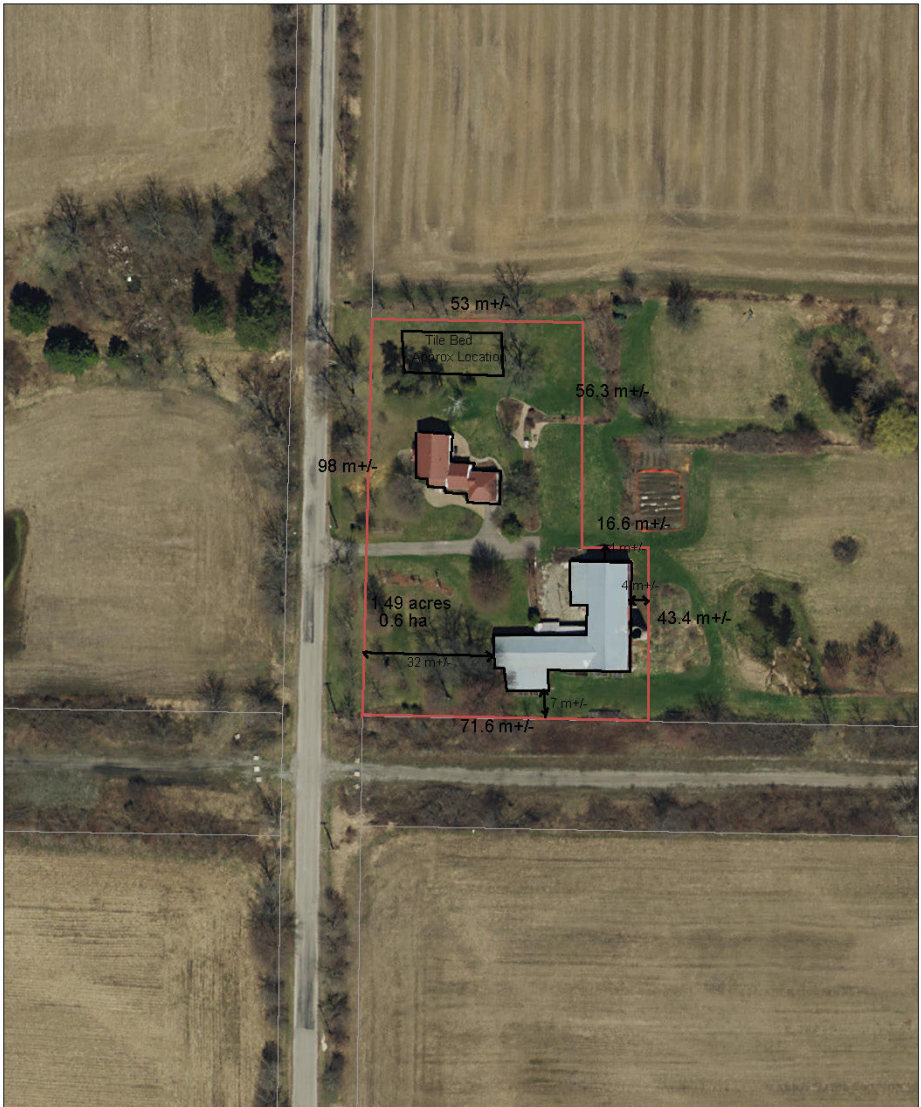
Zoning:
A (Agriculture), NPCA Regulated Lands

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



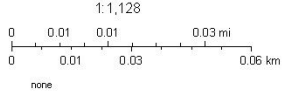
Owner's Sketch 1 of 2 FILE #PLB-2024-049 APPLICANT: Shirton

ArcGIS Web Map



3/13/2024, 5:07:14 PM

- Lines
- Override 1
 - Override 2
 - Override 3
 - Parcels



Web AppBuilder for ArcGIS
none | GRCA | LRPA | NPCA

Owner's Sketch 2 of 2 FILE #PLB-2024-049 APPLICANT: Shirton

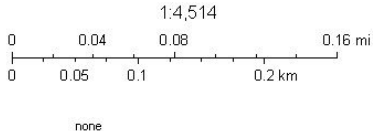


ArcGIS Web Map



3/13/2024, 5:14:19 PM

- Lines
- Override 1
- Override 2
- Parcels



Web AppBuilder for ArcGIS
none | GRCA | LRPCA | NPCA |



Haldimand County Committee of Adjustment Consent

Meeting Date: May 14th, 2024
File Number: PLB-2024-001
Property Roll Number: 2810- 332-006-13100-0000
Applicant: Bow Park Farm
Agent: Kim Hessels
Property Location: Walpole Concession 16, Part Lot 3, Known Municipally as 207 Concession 15 Walpole

Recommendation

That application PLB-2024-001 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 207 Concession 15 Walpole, legally described as Walpole Concession 16 Part Lot 3.

The applicant is proposing severance as a result of a surplus farm dwelling through farm amalgamation. The Subject Lands were purchased by Bow Park Farm December 15th, 2023 and amalgamated with three (3) other owned farm operations, provided within the “Residential Lot in Rural Area” form found in the application file (PLB-2024-001).

The proposed severed lands contains a 109.6 sqm (1180 sq ft) single detached dwelling, and two (2) grain bins that are to be removed if the application is to go forward. The proposed severed lands will have an area of approximately 0.4 hectares

(0.99 acres), and have a frontage of approximately 65 meters (213.25 feet), fronting onto municipal road Concession 15 Walpole.

The proposed retained lands will have an area of approximately 57.3 hectares (141.59 acres), with a frontage of 690 meters (2263.78 feet) fronting onto municipal road 15 Walpole. The proposed retained lands currently contain two (2) large storage barns, one (1) storage shed, and one (1) uninhabitable building which are all proposed to be removed if application is to go through – no buildings are proposed to be developed on the retained lands in the future, and will be rezoned to ensure no dwellings can be permitted on these lands once the severance is completed. Entrance for farmlands are to be the left driveway, and the back “loop” of the driveways will be removed allowing for both driveways to be separate to avoid any potential trespassing.

Site Features and Land Use:

The Subject Lands are zoned Agricultural (A), and contain Riverine Hazard lands, and Regulated Wetlands within the Grand River Conservation Authorities jurisdiction on the north-west corner of the Subject Lands. To the south-east corner of the parcel there are Regulated Wetlands within the Grand River Conservation Authorities jurisdiction.

The lands surrounding the Subject Property consist of Agricultural lands to the north, east, south, and west. Lands protected by the Grand River Conservation Authorities are located on the lands abutting the north, east, and west of the property, and are also located adjacent to the Subject Lands to the south on the opposite side of Concession 15. There are no signs of livestock operations within 300 meters or on the Subject Lands.

The Subject Lands consist of an existing single detached dwelling, two (2) grain bins to be removed, and one (1) shed on the proposed severed lands. The proposed retained lands contain one (1) storage barn, and one (1) storage shed.

The single detached dwelling is serviced by individual wells, septic systems and open ditches.

The surrounding land uses include agricultural lands and have Grand River Conservation regulated wetlands and riverine hazard lands throughout the surrounding properties. The Subject Lands are roughly 3.5km (2.17 mile) drive south from the Hamlet of Walpole.

Existing Intensive Livestock Operations: The proposed application indicates there are no livestock operations within 300 meters of Subject Lands, during conducted site visit on Tuesday April 30th, 2024 there was no livestock operations viewed within close proximity to the Subject Lands. 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:

Confirmation that the retaining parcel has an entrance.

Grand River Conservation Authority: No comments or concerns at this time.

Mississaugas of the Credit: No concerns or comments at this time.

Six Nations: No concerns or comments at this time.

Public: No concerns or comments at this time.

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.

A Septic Evaluation Form has been completed dated January 12th, 2024.

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 approximately 0.40 hectares (0.99 acres) in size and meets the standard set out in the Official Plan.

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 a septic tank, with open ditches for storm drainage. A Septic Evaluation form has been filled out by applicant on January 12th, 2024 and can be viewed within application file (PLB-2024-001).

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 farming operation after the property had been purchased by Bow Park Farms and amalgamated with the existing farm properties owned by the applicant in 2023.

The applicant has been farming for over 30 years, and has been farming within the municipality for 15 years. A “Residential Lot in a Rural Area Information Form” has been submitted within the application to prove current existing farm operations.

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: No livestock was reported to be within 300 meters of Subject Lands within application, and have not been viewed during the site visit conducted Tuesday April 30th, 2024, MDS Guidelines do not apply for surplus farm dwellings where the house is pre-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: No licensed pits, quarries, or conflicting uses were addressed within the application, and during site visit inspection that took place Tuesday April 30th, 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 (500 meters) 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 adequate frontage on an existing public road, known municipally as Concession 15.

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

Planning Comment: The proposed severance does not change any features of the Subject Lands, and 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 'Agricultural (A)' Zone and has approximately 3.37 Hectares (8.3 Acres) of Wetlands and Riverine Hazard Lands to the north-west corner

of the retained lands and approximately 1.24 hectares (3.1 acres) of Regulated Hazard Lands on the south-east corner of the retained lands. 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 April 11th, 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 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 65.0 metres (213.3 feet), and an area of 0.4 hectare (0.99 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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

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

4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2026, after which time this consent will lapse.

***File No. PLB-2024-001
SWIFT GEORGE GORDON
Assessment Roll No. 2810-332-006-13100-0000***

Owner's Sketch 1 of 2 FILE #PLB-2024-001 APPLICANT: Bow Park Farm



Owner's Sketch 2 of 2 FILE #PLB-2024-001 APPLICANT: Bow Park Farm





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: May 14, 2024
File Number: PLA-2024-050
Property Roll Number: 2810-155-005-08400-0000
Applicant: Alex MacNeil / Mackenzie Inglis
Agent: Kim Hessels
Property Location: NCAY CON 1 STR PT Lot 9, Geographic Township of North Cayuga, Known Municipally as 1075 CONCESSION 1 RD S

Recommendation

That application PLA-2024-050 be deferred in order to allow the applicant time to complete a stage 1 archaeological assessment. 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 Agriculture (A) Zone of Zoning By-law HC 1-2020 as follows:

The relief is requested to permit the construction of an accessory structure on the property, which will contain a secondary suite of approximately 143.29 square metres (see the building drawings at the end of this report). The proposed secondary suite is to be constructed approximately 20.2 metres to the west of the nearest barn structure, approximately 31.6 metres from the front lot line. One variance, as shown in the following table, is required to permit the secondary suite.

Development Standard(s)	Required	Proposed	Deficiency
Dwelling Unit Area	100 sq. m. (1,076.4 sq. ft.)	143.29 sq. m. (1,542 sq. ft.)	43.29 sq. m. (466 sq. ft.)

The relief is requested to facilitate the construction of a secondary suite (Accessory Dwelling Unit) that is larger than the maximum permitted size of 100 square metres.

Site Features and Land Use:

The subject property (1075 Concession 1 Rd. S.) is approximately 39.63 hectares (97.93 acres) in area and is currently used for agricultural purposes. The subject property currently contains an existing single detached dwelling, four accessory structures (storage buildings) and a pond.

Surrounding land uses include agricultural and residential uses to the east and west. The subject property also contains watercourses and wetlands that are Regulated by the Niagara Peninsula Conservation Authority (NPCA), however, the existing and proposed structures are located outside of their areas of influence or Regulated areas.

Existing Intensive Livestock Operations:

The applicant did not identify any existing intensive livestock operations located within 500 metres of the subject property.

Agency & Public Comments

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

Haldimand County Planning & Development Services – Development Technologist: Entrance and Partial grading plan required

Haldimand County Emergency Services: No comments or concerns

Niagara Peninsula Conservation Authority: No comments or concerns

Mississaugas of the Credit: Mississaugas of the Credit First Nations require to be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine archaeological potential and that Stage 1 report be submitted for MCFN DOCA review. If Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation on-site participation

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:

The subject property is designated Agricultural in the Haldimand County Official Plan. Secondary Suites (Accessory Dwelling Units) are a permitted use in the Agricultural Designation.

Staff are of the opinion that this application for Minor Variance maintains the intent and purpose of the County Official Plan.

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

Planning staff comment:

The subject property is zoned Agricultural (A) and Secondary Suites (Accessory Dwellings) are permitted uses in the Agricultural Zone.

However, the proposed secondary suite has the following deficiency from the standards of the by-law for which a variance is required:

Size of the Secondary Suite:

Table 4.55 of the Zoning By-Law states that the maximum secondary suite size (per unit) in an Agricultural Zone shall be no greater than 40% of the gross floor area of the principal residential dwelling on the lot, up to a maximum size of 100 square metres. The size of the proposed secondary suite is 143.29 square metres, exceeding the permitted size by 43.29 square metres. A variance of 43.29 square metres to the permitted size of a secondary suite is required.

The intent of the zoning standard limiting the size of a Secondary Suite is to ensure that the suite is clearly secondary to the Principal Residence.

The intent of the standard requiring the secondary suite be located within 30 metres of the Principal Residence is to keep it within an existing building cluster and thereby minimizing the loss of productive farm land. Planning staff are of the opinion that the proposal maintains 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:

Staff note that both the Provincial Policy Statement, 2020 (PPS) and the Haldimand County Official Plan permit accessory dwellings/secondary suites. Based on staff's analysis, the proposal with the requested variances, any potential impacts resulting from the proposed development can be mitigated.

The proposal will add needed housing stock which is supported by the policies of the PPS and the County's Official Plan, and staff is of the opinion that the variance requested is desirable for the appropriate development of the subject property.

4. Is the application minor?

Planning staff comment:

The application will add needed additional housing units without negative impacts to surrounding properties or uses. The proposed secondary suite is located on a large parcel of land that is used for agricultural purposes, is kept in close proximity to the existing building cluster and will not impact the existing land uses on the subject property. Staff are of the opinion that the requested variance 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 April 25, 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

Reviewed by:



Krystina Wheatley
Supervisor, Planning & Development
905-318-5932 ext. 6208

Location Map FILE #PLA-2024-050 APPLICANT: MacNeil



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

Location:
1075 CONCESSION ROAD SOUTH
GEOGRAPHIC TOWNSHIP OF
NORTH CAYUGA
WARD 4

Legal Description:
NCAY CON 1 STR PT LOT 9

Property Assessment Number:
2810 155 005 08400 0000

Size:
39.63 Hectares

Zoning:
A (Agriculture), W (Wetland), NPCA Regulated
Lands & Wetland, HCOP Natural Environment
Wetland Area

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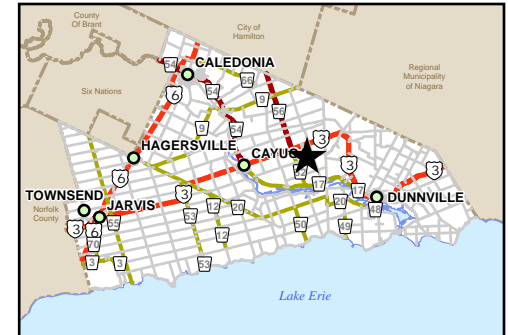
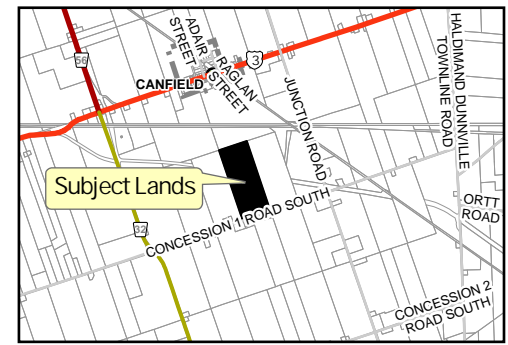


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Owner's Sketch FILE #PLA-2024-050 APPLICANT: MacNeil



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

THE DRAWINGS AND SPECIFICATIONS
ARE THE PROPERTY OF THE ENGINEER
TO BE USED ONLY FOR THE PROJECT
FOR WHICH THEY WERE ISSUED.

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ADDITIONAL NOTES	NO.	DATE	BY
REV'D AS PER OWNER	6	FEB. 13/24	DB
REV'D DRIVEWAY	5	DEC. 5/23	DB
ISSUED FOR PERMIT	4	NOV. 24/23	DB
ENGINEERING REVIEW	3	NOV. 15/23	DB
REV'D AS PER MARKUP	2	OCT. 26/23	DB
ISSUED FOR REVIEW	1	OCT. 2/23	DB
ISSUED REVISIONS	NO.	DATE	BY

ALEX MACNIEL &
MACKENZIE INGLIS
SECONDARY DWELLING
1075 CONCESSION 1 ROAD S.,
CANFIELD, ON.,
NOA 1CO

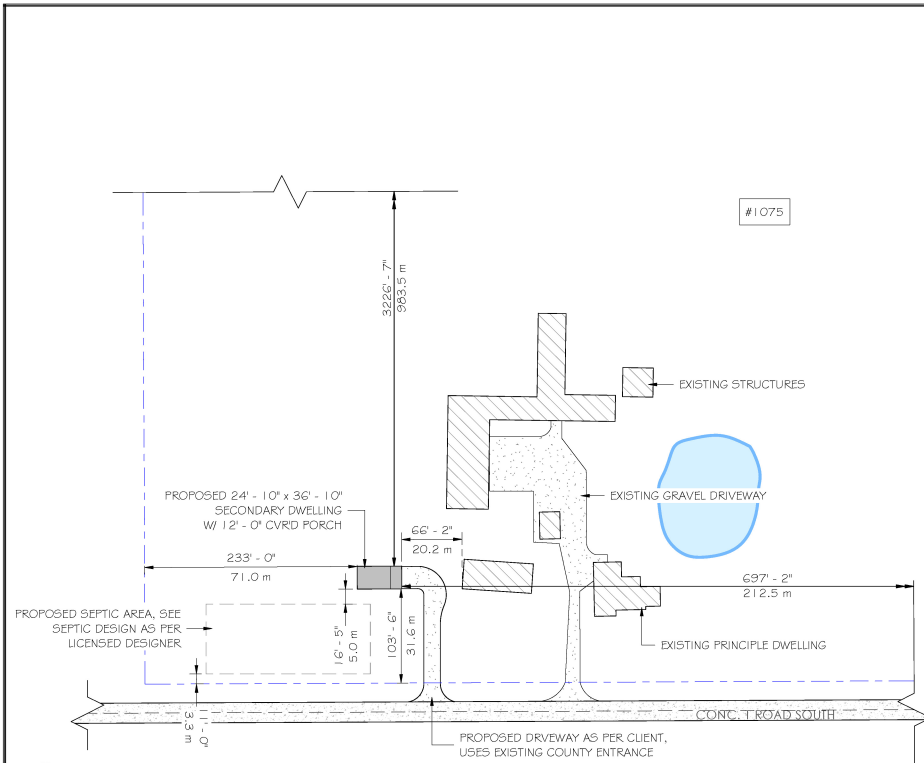
DRAWING
SITE PLAN

SCALE
As indicated 12-23-340

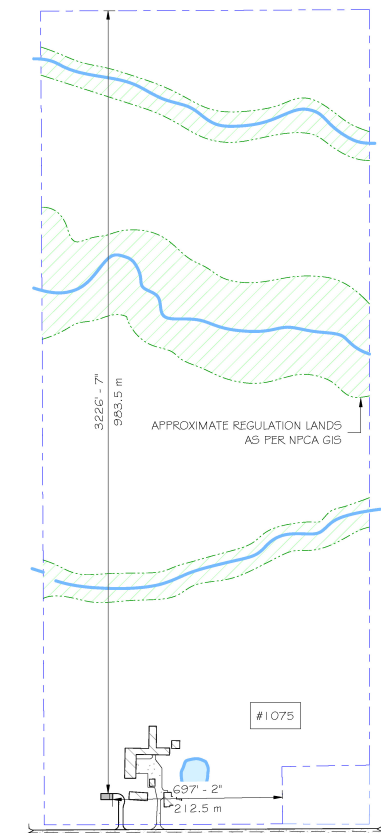
DRAWING FILE:
PROJECT NUMBER: 12024050

DRAWN BY
B. BENNETT
DATE
SEPT. 28, 2023
SHEET
1 OF 1

DRAWING NUMBER
C-1



2 ENLARGED VIEW
5 1" = 80'-0"



1 OVERVIEW
5 1" = 300'-0"

1075 CONCESSION 1 ROAD SOUTH - CANFIELD, ON.		
LOT AREA	97.93 ACRES	
ZONING	A - AGRICULTURE	
ROLL NUMBER	1550-050-840-00000	
ZONE PROVISIONS	REQUIREMENTS	PROPOSED
LOT COVERAGE	40% OF DWELLING OR 107% FT ²	MAX. ALLOWABLE
MIN. SIDE YARD	3.0 m	71.0 m
MIN. FRONT YARD	13.0 m	31.6 m
MIN. REAR YARD	9.0 m	983.5 m
MAX. BUILDING HEIGHT	11.0 m	6.3 m
BLDG FOOTPRINT	111.6 m ² / 1202 ft ²	
IDENTIFIED USING THE CORPORATION OF HALDIMAND COUNTY COMPREHENSIVE ZONING BY-LAW No. HC 1-2020 & HALDIMAND GIS MAPPING		



- TOTAL FOOTPRINT : 1202 ft²
 - UNHEATED SPACE : 338 ft²
 - LIVEABLE SPACE: 864 ft²
- Measured at perimeter of fnd, incl. cvrd deck
 - Measured from exterior face of posts
 - Measured from interior face of studs, incl. only heated spaces



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: May 14th, 2024
File Number: PLA-2024-066
Property Roll Number: 2810-152-005-08943-0000
Applicant: Bashir Khan
Agent: Mobeen Yousafzai
Property Location: 24 Sumac Drive, Caledonia ; Legally Described as PLAN 18M52 LOT 45

Recommendation

That application PLA-2024-066 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the provisions of the Urban Residential Type 1-B Zone of Zoning By-law HC 1-2020. The relief is requested to permit the construction of a secondary unit in the basement of the existing dwelling on the property. The proposed additional unit will require a parking space and a separate entrance to allow for an access point for future tenants of the proposed secondary unit. Two variances, as shown in the following table, are required to permit the secondary unit in the basement of the subject property.

Development Standards	Required	Proposed	Deficiency
Rear Yard (Below Grade Entrance)	5.5 meters (18 feet)	4.8 meters (15.7 feet)	0.7 meters (2.3 feet)
Secondary Suite Parking Space Dimensions	2.75m x 5.2m (9.00f x 17.0f)	2.75m x 4.5m (9.00ft x 14.77ft)	0.0m x 0.7m (0.0ft x 2.3ft)

Site Features and Land Use:

The Subject Property (24 Sumac Drive) is approximately 0.29 hectares (0.72 acres) in area with approximately 10.4 metres (34.1 feet) of frontage on Sumac Drive, and is designated Residential in the Official Plan, and Urban Residential Type R1-B in the Haldimand County Zoning By-Law HC 1-2020.

The proposed secondary unit is to be located in the basement of the dwelling, and will have a separate walkway to the east of the driveway, leading down the right side of the dwelling to the secondary unit's below grade entrance, which is proposed to be located to the right side of the rear end of the dwelling.

The parking space seeking relief is located to the left of the driveway. The left side parking space is unable to meet the parking dimensions required due to the overhanging design of the dwelling, the supports cause a deficiency of 0.0m x 0.7m on the left portion of the driveway.

Currently, there is an air conditioning system located where the proposed principal entrance for the basement unit is to be placed. The air conditioning system will be removed and relocated if application is to be approved.

Entrance to backyard for principal unit will remain located to the left back portion of the building being 1.9 meters (6.2 feet) away from the proposed entrance.

Minor Variance will be required to allocate the secondary unit's principal entrance due to the stairs creating a deficiency of 0.7 meters (2.3 feet) for the rear yard setbacks.

Directly adjacent to the property are similar single detached dwellings, with sidewalks on both sides, and general surrounding land use includes a mixture of residential uses, open space, institutional zones, and neighbourhood commercial use.

The Subject Property is within 300 meters of a wetland, and has regulated lands through GRCA to the east, west and north of the subject property

Existing Intensive Livestock Operations:

There are no existing livestock operations located within 500 meters of the subject property.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: 1.AC Unit shall not be placed on walkway as per Table 4.55 for Entrances, iii.) Where the only entrance to a secondary dwelling unit is provided from the rear yard or side yard, the entrance must

be accessed by a continuous, unobstructed walkway of at least 1 metre wide between the main wall of the building and the side lot line.

2. There's a wall that extends 4'-11" (1.5 metres) on the left side of the garage door that isn't shown on the proposed site plan.

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

Haldimand County Emergency Services: No Comments Received.

Haldimand County Water and Wastewater Engineering & Compliance: No Comments Received

Hydro One: No Comments Received

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

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

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

Planning staff comment:

The Subject Property is designated Residential in the Haldimand County Official Plan. Residential designations within the Official Plan permit all forms of residential development, taking into consideration the surrounding built form and ensuring the planning is consistent with the existing development and will not have a negative impact on the surrounding lands or effect the available services.

Section "O" of the Official Plan speaks for Secondary Suites, which will be permitted subject to the regulations of the Zoning By-Law so long as;

- a) The unit is clearly subordinate to the primary residential unit in the dwelling;

The unit proposed is a basement suite to a large single detached dwelling, the basement unit will be clearly secondary to the primary residence of the Subject Property.

- b) Adequate on-site parking for both residential units is provided;

The Subject Property has one (1) garage parking space, and two parking spaces in the driveway. The variance is required for the deficiency of 0.0 meters x 0.07 meters for the Secondary Suites parking space, the space has been demonstrated to still be adequate for parking a standard sized vehicle.

- c) Adequate servicing capacity exists;

The Subject Property is run on municipal services, and are adequate for servicing an additional unit.

- d) The secondary suite complies with Provincial building and fire code requirements;

No comments from building or fire, if application is approved there will be more extensive plans required for the dwelling to ensure the secondary suite complies with all building and fire code requirements.

- e) The exterior appearance of the dwelling is not significantly altered to accommodate the unit.

The proposed unit will not create significant alterations to the dwelling, the only adjustments that will be made to the external visual of the dwelling is the additional walkway to access the backyard, and the separate entrance for the secondary unit which will be located on the back of the property and will not be visible to the majority public.

The proposed development is an additional unit to the basement of the existing dwelling, the proposal allows for additional housing within the Residential designations of Haldimand County's Official Plan and conforms with the surrounding uses.

Staff are of the opinion that this application for Minor Variance maintains the intent and purpose of the County 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 1-B - both one and two family dwellings are permitted uses within the Urban Residential Type 1-B Zone.

However, the proposed secondary unit in the single detached dwelling has the following deficiencies from the standard of the by-law for which two variances are required:

Rear Yard (Below Grade Entrance)

Table 6.2A of the Zoning By-Law states that the minimum rear yard setback is 7.5 meters, Section 4, 4.20(h), has exceptions for below grade entrances allowing the entrance to project a maximum of 1.5 meters (4.9 feet) making the minimum setback for this specific site 5.5 meters (18 feet).

The proposed rear yard setback is 4.8 meters (15.7 feet) , deficient by 0.7 meters (2.3 feet).

Secondary Suite Parking Space Dimensions

General provisions for secondary suite parking space dimensions (per parking space) are set out in Table 4.55 of the Zoning By-law requires that the parking be 2.75 meters x 5.2 meters. Due to the overhang design of the dwelling, there is a support located on the left side of the driveway keeping the structure supported. The proposed driveway will be 2.75 meters x 4.5 meters (9.00ft x 14.77ft) , creating a deficiency of 0.0 meters x 0.7 meters (0.0ft x 2.3ft) for the secondary suite parking space. Upon site visit it was seen that a standard sized vehicle is able to be parked in the space without encroaching onto the sidewalk and having an adequate amount of space between the garage and the car.

Planning staff are of the opinion that with the proposed variances the proposal maintains 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:

Within the Provincial Policy Statement, Policy 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 1.1.1 works towards creating healthy, liveable and safe communities by promoting efficient development and land use patterns which sustain the long term well being of the province, 1.1.1 (b) includes accommodating an appropriate affordable range of residential types which includes “additional residential units”, the Subject Property fall within the Settlement Areas, which are the main focus areas for growth and development.

1.1.3.3 speaks on creating transit friendly housing options through intensification and redevelopment, the subject property is within a subdivision, and will allow for the basement space to be redeveloped into a unit hence creating opportunity for a diverse range of living accommodations within the Town of Caledonia.

Within the Official Plan, Caledonia has the highest notability in regards to attracting new growth due to the proximity to the City of Hamilton, and the availability to water and wastewater servicing. The Official Plans predominant use of lands within Residential designation focuses mainly on, and permits all forms of residential development, reflecting the Provincial Policy Statements goals of increased housing options within the Settlement Areas. Section G of the Official Plan Sets out the goals for Design Principals within Haldimand County, ensuring that the developments contribute to the well being of residents and enhances the positive aspects of the community character. Due to the fact the Subject Property is already pre-existing within a subdivision, and creating the additional unit will create minimal change to the appearance of the property (only notable change is the walkway and additional entrance on the back of the dwelling), the proposal does not take away from the character of the community.

The proposal will add housing stock which is supported by the policies of the Provincial Policy Statement and the County’s Official Plan, and staff is in support of the appropriate development of the Subject Property.

4. Is the application minor?

Planning staff comment:

The application will create additional housing within the residential zone without negative impacts to the surrounding properties or servicing. The variances are applicable for the rear yard setback and the driveway. The driveway variance of

0.0 meters x 0.7 meters does not cause any discrepancies with the neighbouring properties and it still leaves an adequate amount of space for a standard sized vehicle. The rear yard deficiency of 0.7m is also minor where it will not cause any negative impacts on the subject property or surrounding neighbours.

Staff are in the opinion that the application with the required variance is minor.

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

Notice Sign and Applicant Discussion

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

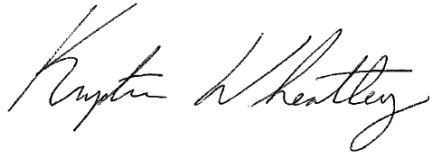
Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report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

Prepared by:



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

Reviewed by:



Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-066 APPLICANT: Khan



Location:

**24 SUMAC DRIVE
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

PLAN 18M52 LOT 45

Property Assessment Number:

2810 152 005 08943 0000

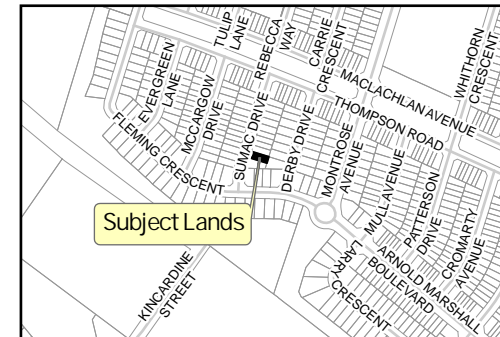
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0.028 Hectares

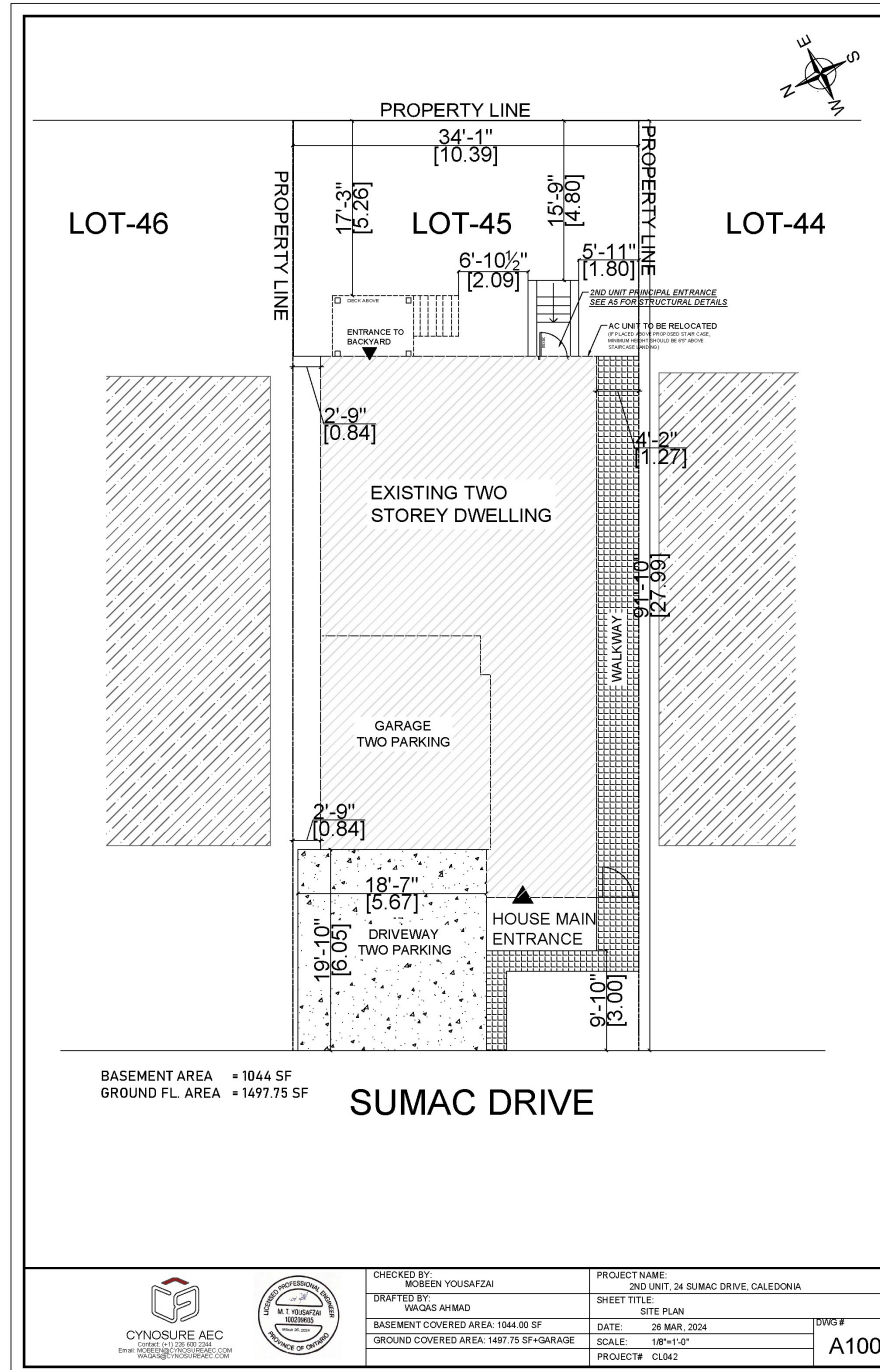
Zoning:

R1-B (Urban Residential Type 1-B)

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Owner's Sketch FILE #PLA-2024-066 APPLICANT: Khan



CHECKED BY: MOBEEN YOUSAFZAI
DRAFTED BY: WAQAS AHMAD

BASEMENT COVERED AREA: 1044.00 SF
GROUND COVERED AREA: 1497.75 SF+GARAGE

PROJECT NAME: 2ND UNIT, 24 SUMAC DRIVE, CALEDONIA
SHEET TITLE: SITE PLAN

DATE: 26 MAR, 2024
SCALE: 1/8"=1'-0"
PROJECT# CL042

DIVIS #
A100