



THE CORPORATION OF HALDIMAND COUNTY
Committee of Adjustment Hearing Agenda

Date: Tuesday, December 17, 2024
Time: 9:00 A.M.
Location: Haldimand County Administration Building - Council Chambers

	Pages
A. Call to Order	
B. Land Acknowledgement	
C. Roll Call	
D. Disclosures of Pecuniary Interest	
E. Approval of Previous Committee of Adjustment Meeting Minutes	
1. Committee of Adjustment Minutes - November 12th, 2024	1
THAT the minutes of November 12th, 2024 be approved.	
F. Hearings Re: Consents	
1. PLB-2024-019 - Henry Westerveld	7
The applicant proposes a boundary adjustment to add 0.8 hectares (1.98 acres) of land from 802 Diltz Road to 782 Diltz Road. MOULTON CON 1 FC PT LOT 14 RP 18R6431 PART 1.	
2. PLB-2024-199 - Kevin and Angela DeBoer	15
The applicant proposes to sever a parcel of land for a surplus farm dwelling. 765 2nd Line, Hagersville Legally Described as OND CON 3 PT LOT 21 AND RP 18R6044 PART 3.	
3. PLB-2024-213 - Elizabeth Reu	25
The applicant proposes a boundary adjustment to add 0.28 hectares (0.69 acres) of land from 4066 Highway 6 to 4072 Highway 6. 4066 Highway 6, Legally Described as OND RANGE EPR PT LOT 27	

- | | | |
|----|---|----|
| 4. | PLB-2024-244 - Clarke Poultry Farms | 35 |
| | The applicant proposes to sever a parcel of land containing a surplus farm dwelling. 394 4TH Line, Caledonia Legally Described as OND CON 4 PT LOT 14. | |
| 5. | PLB-2024-239 - Harold Kelly | 46 |
| | The applicant proposes to sever a parcel of land containing a surplus farm dwelling. 398 Diltz Road, Legally Described as MOULTON CON 1 CANBOROUGH PT LOT 6 RP 18R6738 PARTS 1 AND 2 | |
| 6. | PLB-2024-209 - Glen Tilstra | 58 |
| | The applicant proposes to sever a parcel of land containing a surplus farm dwelling. 389 Lane Road, Dunnville, Legally Described as CAN CON 2 PT LOT 12. | |

G. Hearings Re: Minor Variances

- | | | |
|----|--|----|
| 1. | PLA-2024-211 - Thomas Vis | 69 |
| | The applicant requests relief from the maximum building height and building area permitted in the “Agriculture (A)” Zone of the Haldimand County Zoning By-law HC 1-2020 to permit a taller and larger residential accessory building on the subject lands. 716 Hutchinson Road, Legally Described as Moulton Concession 3 LE Part Lots 6 to 8. | |
| 2. | PLA-2024-215 - Neil Covlin | 76 |
| | The applicant requests relief from the maximum building area permitted in the “Agricultural Zone (A)” of the Haldimand County Zoning By-Law HC 1-2020 to permit a larger residential accessory building on the subject lands. 336 Diltz Road, Legally Described as Plan 3339 Moulton Concession 1 C Part Lot 5. | |
| 3. | PLA-2024-235 - Patrick and Pam Hague | 85 |
| | The applicant requests relief from the maximum building height and building area permitted in the “Agriculture (A)” Zone of the Haldimand County Zoning By-law HC 1-2020 to permit a taller and larger residential accessory building area on the subject lands. 349 Haldimand Road 17, Legally Described as CAN TRACT DOCHSTADER PT LOT 8 RP 18R1827 PARTS 1 TO 3. | |

4. PLA-2024-240 - Trevor and Cynthia McPherson

92

The applicant is requesting relief from the maximum accessory building size within the “Hamlet Residential (RH)” Zone of the Haldimand County Zoning By-Law HC 1-2020 to permit an oversized residential accessory structure (detached garage) on the subject lands that exceeds the maximum size permitted in the zone. **No municipal address, Legally Described as North Cayuga Con 1 NTR Pt Lot 42 RP 18R8069 Part 1.**

H. Hearings Re: Previously Deferred Matters

I. Other Business

1. Committee of Adjustment Hearing Schedule - 2025

98

Committee of Adjustment Hearing Schedule for 2025.

J. Adjournment



**THE CORPORATION OF
HALDIMAND COUNTY**

Committee of Adjustment Minutes

Date: Tuesday, November 12, 2024
Time: 9:00 A.M.
Location: Haldimand County Administration Building - Council Chambers

Members Present P. Brown, Chair
C. Bowman, Member
P. Fleck, Member
P. Makey, Member
D. Ricker, Member
B. Snyder, Member
B. Wagter, Member

Staff Present J. Cleaver, Secretary Treasurer, Committee of Adjustment
S. VanDalen, Manager, Planning & Development
K. Wheatley, Supervisor, Planning & Development
C. Tang, Planner

A. Call to Order

Chair Brown called the meeting to order at 9:00 a.m.

B. Land Acknowledgement

Member Makey read the Land Acknowledgement.

C. Roll Call

All members of the Committee were present.

D. Disclosures of Pecuniary Interest

None.

E. Approval of Previous Committee of Adjustment Meeting Minutes

1. Committee of Adjustment Minutes - October 15th, 2024

Moved By: P. Fleck, Member

Seconded By: P. Makey, Member

That the minutes of the October 15th, 2024 Committee of Adjustment meeting be approved as circulated.

APPROVED

F. Hearings Re: Consents

1. PLB-2024-190 and PLB-2024-191 - Nancy Ann Siddall

Present: Kim Hessels (Agent)

Kim Hessels (Agent) replies to neighbours letter of concern for potential over development, and drainage issues - saying that the parcels being severed are where the Hamlet Boundary ends, so currently they would not be able to create any additional new lots, and that they cannot speak for the future but as of right, no additional lots are able to be created. As for the drainage and water issues, Kim Hessels (Agent) advises she will reach out to the neighbour to address these concerns.

Moved By: D. Ricker, Member

Seconded By: P. Fleck, Member

THAT application PLB-2024-190 and PLB-2024-191 be approved, subject to the attached conditions. The applications are consistent with the Provincial Planning Statement 2024 and conform to the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

2. PLB-2024-193 - Nancy Ann Siddall

Present: Kim Hessels (Agent)

No comments for application.

Moved By: P. Makey, Member

Seconded By: B. Wagter, Member

THAT application PLB-2024-193 be approved, subject to the attached conditions. The application is consistent with the Provincial Planning Statement 2024 and conforms to the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

3. PLB-2024-205 - Jose and Marilyn Matias

Present: Rick Beaudet (neighbour) , Jose Matias (applicant)

Jose Matias (Applicant) addresses the committee to say that they had been told everything with the application looked generally good as long as GRCA approved, however on the Thursday prior to the meeting got a phone call that there were additional comments provided making the application no longer supportable through planning staff without additional documents.

Mr.Beaudet (Neighbour) Addresses the committee explaining that Jose Marias has owned and lived on the subject lands for over 25 years and has never cut a live tree on the property in his time being there. He explains that Jose had met with a total of three planners previously, and had contacted all the external agencies that was recommended to have the application go forward as complete. He explains that the plan had been adjusted to be satisfactory to the needs to the planning division and external agencies, and that the applicant was misguided with direction in regard to the woodlots.

Chairman Brown asks if the subject lands are within the boundary or the hamlet of Kohler

Chris Tang confirms the subject lands are within the Hamlet of Kohler
Chairman Brown asks if the EIS had been completed for this application, Chris Tang responds that it had not been completed, and that staff recommend refusal because it is highly unlikely for the EIS to support this application.

Member Makey asks the planning staff if the application were to go forward today what would the steps look like

Shannon VanDalen replies that if the application were to go forward, we would require a condition for EIS to be conducted to provide direction on the potential impacts the application may have on the woodlot.

Member Fleck asks planning staff if there is any policy for trees 3" in diameter need to be replaced to maintain integrity of woodland

Member Makey asks for clarification on the requirements for the removal of trees within the County.

Shannon VanDalen confirms that the County does not have any forestry bylaw for what constitutes significant woodlot and replacement required (whether this be tree replacement or payment), developments are circulated to forestry who then make comments based on how significant the woodlot is.

Member Makey asks planning staff if because the significant lands are owned by the applicant, could it not be his responsibility to replace the trees on his property.

Shannon VanDalen replies that she is not an arborist and cannot speak on that comment, but does know that it has happened in the past.

Member Ricker asks planning staff how the refusal came up last minute when the application has been discussed for the last year and a half.

Shannon Vandalen replies that this was a comment that came up from our forestry division, we were informed that the lands were part of a natural system and significant woodlot.

Member Fleck requests national resources to attend future meeting for this application

Shannon VanDalen responds that national resources is not typically involved in applications, it is the forestry comments through public works - for the meeting of this application going forward however we can have forestry in attendance.

Resolution refusal

Moved By: B. Snyder, Member

Seconded By: P. Fleck, Member

THAT application PLB-2024-205 be refused as it is inconsistent with the Provincial Policy Statement 2024 and does not conform to the Haldimand County Official Plan and the Haldimand County Zoning By-law HC 1-2020.

DEFEATED

Resolution Deferred

Moved By: P. Makey, Member

Seconded By: D. Ricker, Member

APPROVED

G. Hearings Re: Minor Variances

1. PLA-2024-215 - Neil Covlin

Neil Covlin (Present)

Member Fleck comments that there was no sign posted.

Moved By: P. Fleck, Member

Seconded By: B. Wagter, Member

THAT application PLA-2024-215 be deferred to allow applicant time to post yellow sign. The application meets the four tests of a minor variance.

DEFERRED

THAT the meeting be adjourned at 10.23 am.

Chair

Secretary-Treasurer



Haldimand County Committee of Adjustment

Consent

File Number: PLB-2024-019

Property Roll Number: 2810.023.001.101000000

Applicant: Pine Ridge Gardens Inc. (Henry Westerveld)

Agent: No Agent

Property Location: 802 Diltz Rd. Dunnville, ON

For consideration on: December 17, 2024

Summary

The applicant proposes a boundary adjustment to add 0.8 hectares (1.98 acres) of land from 802 Diltz Road to 782 Diltz Road. Planning staff recommends approval as the application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Recommendation

THAT application PLB-2024-019 be approved subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Ashley Crosbie, MCIP, RPP, M.PI, Senior Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant owns and operates a commercial greenhouse at 782 Diltz Road and farms the land at 802 Diltz Road. The applicant constructed additional rows of greenhouses over the shared lot line between 782 and 802 Diltz Road. To remedy this situation, the applicant submitted a consent application to boundary adjust a portion of land having no frontage and an area of 1.57 hectares (3.88 acres) from 802 Diltz Road to 782 Diltz Road. The Committee of Adjustment considered this application on March 26, 2024 and, per Planning staff's recommendation, deferred the application to address comments and concerns from the Niagara Peninsula Conservation Authority (NPCA) relating to the adjusted lot line dissecting NPCA regulated natural heritage features.

The applicant resubmitted his consent application to boundary adjust a smaller portion of land, outside of the NPCA regulated natural heritage features to address NPCA's comments and concerns, having no frontage and an area of 0.80 hectares (1.98 acres). If approved, 782 Diltz Road will maintain a frontage of 182 metres (597 feet) and will have a new consolidated area of 12.59 hectares (31.11 acres) and 802 Diltz Road will maintain a frontage of 366 meters (1,202 feet) and will have an area of 13.42 hectares (33.16 acres).

Site Features and Land Use:

The subject lands and benefitting lands are located in the geographic township of Moulton, in the prime agricultural area of the County. The subject lands are municipally addressed as 802 Diltz Road. The subject lands consist of the severed lands and retained lands. The benefitting lands are municipally addressed as 782 Diltz Road.

The severed lands have no frontage and an area of 0.80 hectares (1.98 acres). The retained lands have a frontage of 366 metres (1,202 feet) and an area of 13.42 hectares (33.16 acres). The benefitting lands have a frontage of 182 metres (597 feet) and an area of 11.79 hectares (29.13 acres).

The severed lands contain the rows of greenhouses expanded from the commercial greenhouse operation on the benefitting lands. The retained lands contain a bunk house and are in active agricultural (crop) production. The benefitting lands contain a commercial greenhouse operation, a single detached dwelling, and accessory buildings.

Surrounding lands uses include agriculture (including other commercial greenhouse operations) and rural residential uses.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

The operation on the benefitting lands is considered to be a commercial greenhouse. Section 4.12 Commercial Greenhouse of the Haldimand County Zoning By-law HC 1-2020.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns.

Haldimand County Emergency Services:

No comments.

Niagara Peninsula Conservation Authority:

The NPCA commented on the original application that the NPCA would not require a technical memo regarding the wetlands or flood mapping for the proposed boundary adjustment. However, in

principle, the NPCA did not support the original application because the Owner's Sketch did not show the NPCA regulated boundary or setbacks from the commercial greenhouse to the adjusted lot line; the mapping showed the adjusted lot line dissecting an NPCA regulated ditch; and NPCA mapping showed the adjusted lot line dissecting an NPCA regulated wetland. NPCA commented that they could support a revised application where the lot line was closer the commercial greenhouse and outside of the NPCA regulated wetland.

Since the original application was considered, there have been conversations with NPCA staff on this matter. It is Planning staff's opinion that this revised application respects those discussions. The revised lot line will remain outside of the NPCA regulated natural heritage features; As such, the NPCA can support this application.

The applicant should be aware that NPCA regulated features exist on the properties. Should any future development or site alteration be proposed, the NPCA shall be circulated for review and approval.

Planning staff comment: In addition to satisfying the NPCA, the applicant has satisfied the PPS and County policies related to natural heritage features. No additional analysis relating to natural heritage features will be completed in the Planning Analysis section below.

Hydro One:

No concerns of application.

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 Planning Statement, 2024 (PPS)

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons, which includes severances for purposes such as minor boundary adjustments that do not result in the creation of a new lot.

All of the lands subject to this application will remain in agricultural production (i.e. operating commercial greenhouse and cropping). The severed lands are minimized to the amount of land containing the greenhouses with an appropriate buffer. The boundary adjustment will bring all rows of greenhouses onto the consolidated benefitting and severed lands and, at the same time, will not negatively impact the viability of agricultural production on the retained lands. The boundary adjustment is for agricultural purposes, remedies a lot line situation, is minor in nature, and does not create a new lot.

It is Planning staff's opinion that the application is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject lands and benefitting lands are designated "Agriculture" in the OP and are subject to the "Significant Natural Environment Area Features" and "Riverine Hazard Land" Overlay designations.

Similar to the PPS, the OP permits severances for legal or technical reasons, including minor boundary adjustments, that do not create an additional separate lot and do not compromise the functionality and/or viability of a farm.

For the reasons discussed in the PPS section above, it is Planning staff's opinion that the application conforms with the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands and benefitting lands are zoned "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020. The "A" Zone permits a single detached dwelling, farm buildings, accessory buildings, agricultural uses, and commercial greenhouses.

The severed and benefitting lands contain a commercial greenhouse operation. A commercial greenhouse is defined as a facility that measures 23,226 square metres (250,000 square feet). The Zoning By-law provides additional zoning provisions for commercial greenhouses, including increased setbacks between the commercial greenhouse and lot lines. The Manager of Building & Municipal Enforcement Services has confirmed that the lot adjustment will satisfy the setback provisions. The applicant should be aware that commercial greenhouses are subject to site plan control; Should the applicant desire to expand the commercial greenhouse operation in the future, a site plan application must be approved ahead of application and issuance of building permits.

The retained lands continue to meet the lot frontage, lot size, and setback requirements of the Haldimand County Zoning By-law.

It is Planning staff's opinion that the application conforms to the Zoning By-law.

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 10/22/2024

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.

Attachments:

1. Condition Sheet
2. Location Map
3. Owner Sketch

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 and added lands, with an area of 0.8 hectare (1.98 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 jcleaver@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:

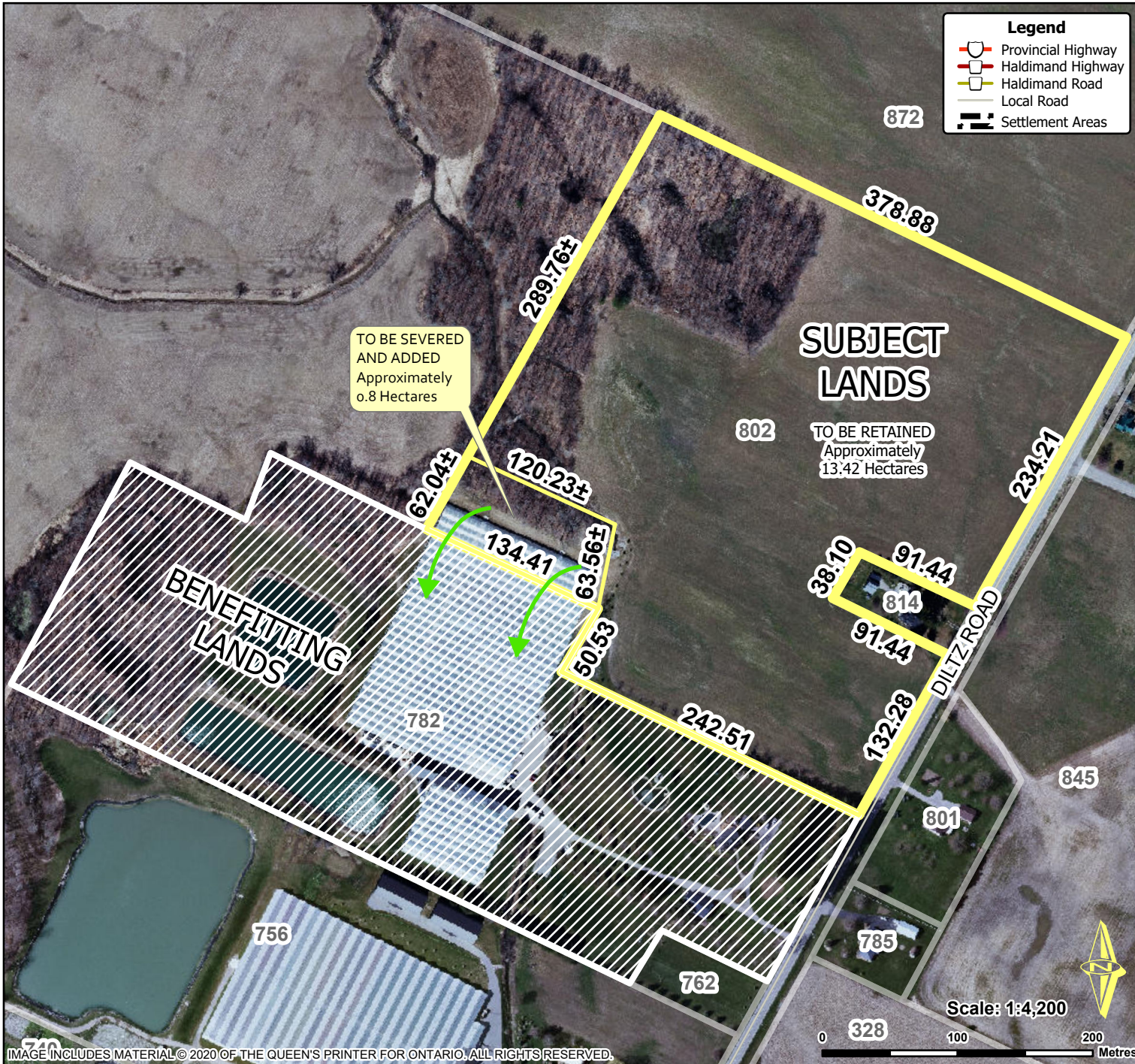
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	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 December 17th, 2026, after which time this consent will lapse.

File No. PLB-2024-019

Assessment Roll No. 2810.023.001.10100.0000

Location Map FILE #PLB-2024-019 APPLICANT: Pine Ridge Gardens Inc.



Location:
802 DILTZ ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5

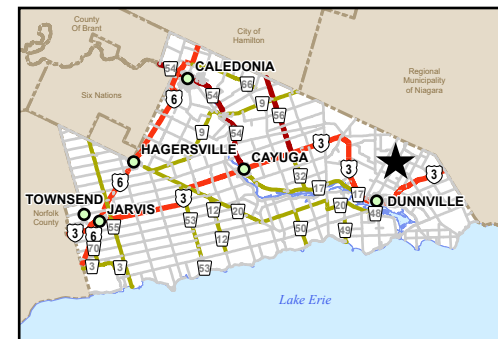
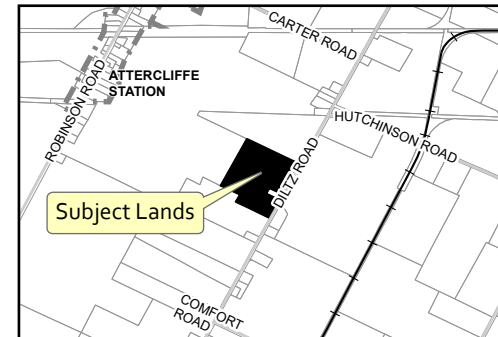
Legal Description:
MOULTON CON 1 FC PT LOT 14
RP 18R6431 PART 1

Property Assessment Number:
2810 023 001 10100 0000

Size:
14.22 Hectares

Zoning:
A (Agriculture), NPCA Regulated Lands & Wetland, HCOP Riverine Hazard Lands, MNR Evaluated Other

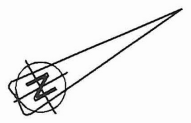
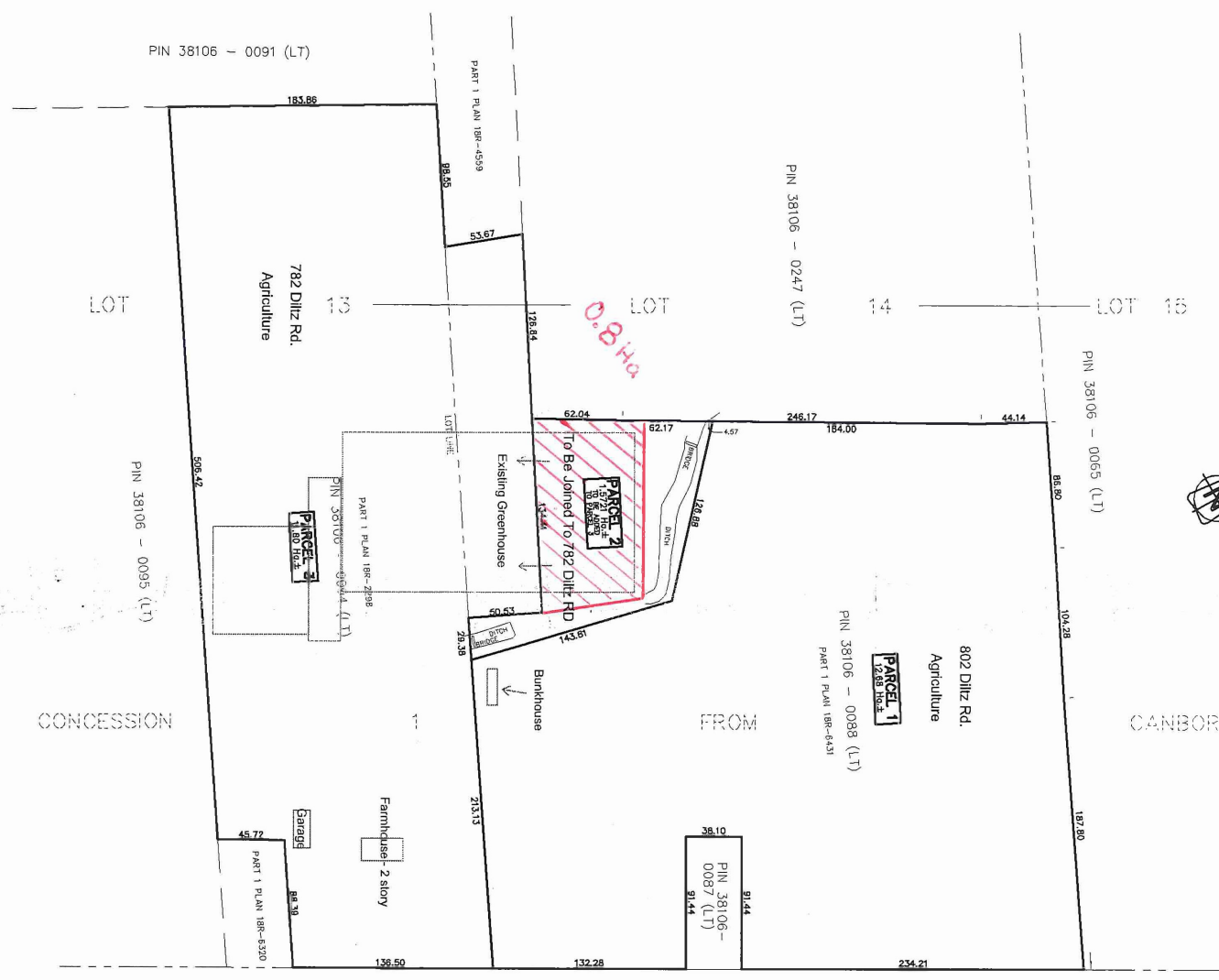
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



Owner's Sketch FILE #PLB-2024-019 APPLICANT: Pine Ridge Gardens Inc.



SKETCH FOR SEVERANCE APPLICATION
782 DILTZ ROAD
HALDIMAND COUNTY
 SCALE 1:2000
 RASCH & HYDE LTD.
 ONTARIO LAND SURVEYORS
 © COPYRIGHT, Rasch & Hyde Ltd. OLS.S., 2024



SKETCH
 SURVEYOR'S SEAL
 THIS IS AN ORIGINAL COPY IF ENDORSED BY THE SURVEYOR'S SEAL (OR OTHERWISE)

PIN 38106 - 0221 (LT)
 ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2 FROM CANBOROUGH, MOULTON
 FORMERLY AS DILTZ ROAD

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. SURVEYOR'S SEAL OR PHOTO IDENTIFIERS ENDORSED WITH THE

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF LOT 13 AND 14, CONCESSION 1, FROM CANBOROUGH, GEOGRAPHIC TOWNSHIP OF MOULTON, HALDIMAND COUNTY, PIN 38106-0088 (LT) AND PIN 38106-0094 (LT)

LEGEND & NOTES

PIN DENOTES PROPERTY IDENTIFIER NUMBER
 ALL DISTANCES AND AREAS ARE APPROXIMATE
 N=NORTH, S=SOUTH, E=EAST, W=WEST

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DATE: JANUARY 12, 2024
 HAROLD D. HYDE
 ONTARIO LAND SURVEYOR

RASCH + HYDE LTD.
 Ontario Land Surveyors

PRO. REG. NO. 40321, REG. 40321, UNIT 8
 ONNAPLE 905-724-7188 7709 A.D.D.E. 905-891-9759
 HAROLD D. HYDE O.L.S.
 SCALE 1:2000 SURVEY 21-138 DRAWN BY: T. HATHERTON

Haldimand County Committee of Adjustment



Consent

File Number: PLB-2024-199

Property Roll Number: 2810-153-001-07800-0000

Applicant: 2491774 Ontario Inc. Kevin & Angela DeBoer

Agent: C. Edward McCarthy

Property Location: 765 2nd Line, Hagersville Legally Described as OND CON 3 PT LOT 21 AND RP 18R6044 PART 3

For consideration on: December 17, 2024

Summary

The applicant proposes to sever a parcel of land for a surplus farm dwelling. Planning staff recommend refusal of this application. 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 Planning Statement, 2024 and generally conforms to the Haldimand County Official Plan.

Recommendation

THAT application PLB-2024-199 be refused. The application is generally consistent with the Provincial Planning Statement, 2024, maintains the general intent and conforms with the Haldimand County Official Plan. The proposed application, however, does not have regard for Section 51(24)(f) of the *Planning Act* and does not conform to the applicable provisions of the Haldimand County Zoning By-law HC 1-2020.

While Planning staff recommend refusal of this application for reasons outlined in Report PLB-2024-199, should the Committee of Adjustment approve this application, the conditions imposed on the consent application are attached to this report for consideration.

Prepared by: Mark Andrews, M.A., MCIP, RPP, Senior Planner

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning & Development

Details of the Submission:

Proposal:

The subject application contemplates the severance of a lot containing an existing surplus farm dwelling and existing accessory structure (detached garage). The application also proposes the establishment of three (3) easements for:

1. the hydro lines crossing the retained lands from the road;
2. a gas line extending from the severed lands north across the retained lands to the gas well; and

3. a water line extending from the severed lands north across the retained lands to the water well.

The lot to be severed (severed lands) proposes a frontage of 10 meters (32.9 feet) and an area of 0.99 hectares (2.45 acres). The severed lands contain an existing single detached dwelling and an accessory structure (detached garage). The retained lands will have an irregular shaped frontage with a total of 214.71m (704.43 ft) and an area of 37.87 ha (93.58 acres). The retained lands contain an existing storage structure.

Site Features and Land Use:

The subject lands are located in the geographic township of Oneida and front onto the north-easterly side of 2nd Line. The subject lands (in its present form) are approximately 38.86 hectares (96.03 acres) in area and have a frontage of 224.7 metres (737.2 feet) on 2nd Line. The subject lands currently contain a single detached dwelling and two accessory structures, including a detached garage and a barn/storage building. The surrounding land uses are generally rural residential and agriculture in nature.

Of note, the existing dwelling, which is proposed to be severed from the existing agricultural lands, is located relatively deep on the subject lands, approximately 218 ± metres (715 ± feet) from the front property line.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments received.

Haldimand County Planning & Development Services – Development Technologist:

Applicant needs to show legal entrance for the retained parcel.

Planning staff comment: Should Committee desire to approve the subject application, Planning staff have included a condition of approval requiring a permit from the Roads Operation Division indicating that they have issued an entrance for the retained lands.

Forestry - Facilities, Parks, Cemeteries & Forestry Operations

The property includes Significant Woodlands identified in the Official Plan located in the north corner of the property, north of the old rail line. An EIS will be required if there are any changes such as a new building to the retained lands within 50m of the Significant Woodlands.

There are County-owned trees along 2nd Line. The farm entrance for the retained lands must be installed in a location outside of the canopy of any County-owned trees. A County Tree application will have to be submitted for review by forestry staff if the farm entrance encroaches within the canopy of a County-owned tree.

Planning staff comment: Comments acknowledged. The comments do not require conditions of approval.

Haldimand County Emergency Services:

No comments received.

Grand River Conservation Authority:

No objections to the proposed application.

Hydro One:

No concerns with application.

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

Section 53 (12) (Power of Consents) 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) (Criteria of Plan of Subdivision Approvals) 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 [or consent application], 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;”

Altogether, this means that Planning staff and the Committee of Adjustment is to have regard to the dimension and shape of the lot being proposed in the subject Consent application.

It is Planning staff’s opinion that a proposed lot (the severed lands) that consists of a 175.83 metres long (576.9 feet) driveway, which also provides a mere 10 metres (32.9 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. Planning staff recommends that the subject application be refused.

Provincial Planning Statement, 2024 (PPS)

The subject lands are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area. However, Section 4.3.3.1 of the PPS sets out four circumstances under which lot creation in the prime agricultural area can be considered, only one of which applies in this case:

“4.3.3.1 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”

It is Planning staff’s opinion that the proposed surplus farm dwelling severance does not conflict with the policies of the PPS.

Haldimand County Official Plan (OP)

The subject lands are designated “Agriculture” in the Haldimand County Official Plan (OP). The OP builds on the PPS policies pertaining to a residence surplus to a farming operation, providing additional criteria. Section 3.A.1)10.d of the OP outlines various criteria for a surplus farm dwelling severance in Haldimand County. Notably, 3.A.1)10.d(i) requires that the severed lot for a surplus farm dwelling 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 0.94 hectares (2.32 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 OP also requires that the retained lands be rezoned such that residential development on the retained lands is prohibited, in accordance with Provincial Policy. Should Committee desire to approve this application, Planning staff have included a condition of approval requiring that the subject lands be rezoned.

It is Planning staff’s opinion that the subject application conforms to the intent of the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned “Agricultural (A)” in the Haldimand County Zoning By-law No. HC 1-2020. The severed lands and retained lands meets the minimum required area and setback provisions of the Zoning By-law. The severed lands do not meet the minimum frontage of 30 metres (98.4 feet) as 10 metres (32.9 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 lands. It is Planning staff’s opinion that the frontage and shape of the severed lands does not represent good planning practices, and the dwelling should not be severed given its location within the subject lands.

Further, 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 consistency with the PPS and conformity with the OP, such as the case with the subject application. Should Committee desire to

approve this application, Planning staff have included a condition of approval requiring that the subject lands be rezoned.

It is Planning staff's opinion that the subject application does not maintain the intent of Zoning By-law. Planning staff recommends that the subject application be refused.

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 11/25/2024

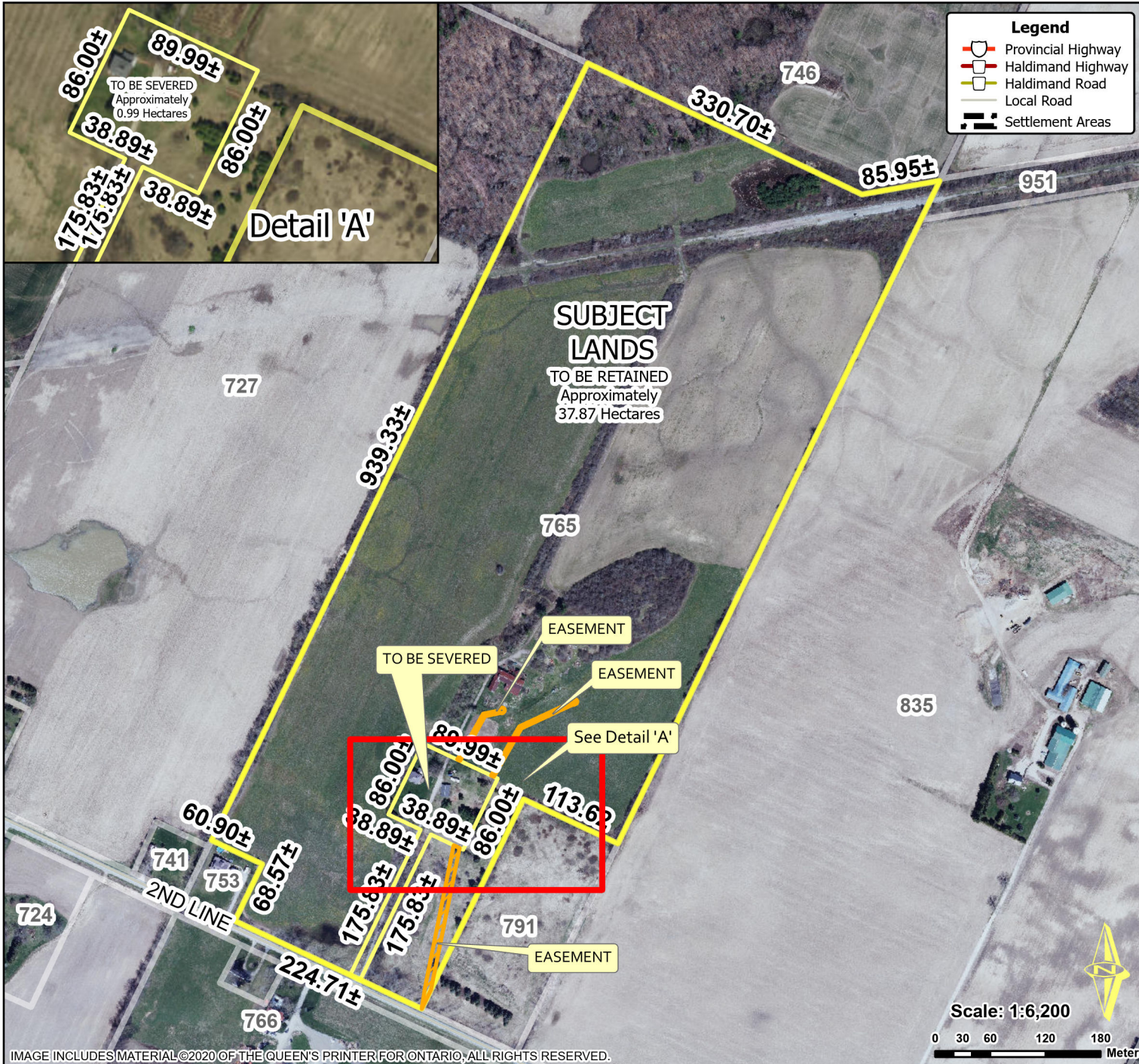
The applicant has satisfied the public consultation requirements as per the *Planning Act* and other applicable Provincial legislation.

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

Attachments:

1. Condition Sheet
2. Location Map
3. Owner Sketch 1
4. Owner Sketch 2

Location Map FILE #PLB-HA-2024-199 APPLICANT: Peirson



Legend

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



Location:
 765 2ND LINE
 GEOGRAPHIC TOWNSHIP OF ONEIDA
 WARD 4

Legal Description:
 OND CON 3 PT LOT 21 AND
 RP 18R6044 PART 3

Property Assessment Number:
 2810 153 001 07800 0000

Size:
 Approx. 38.86 HECTARES

Zoning:
 A (Agricultural)
 GRCA (Wetland), GRCA (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.

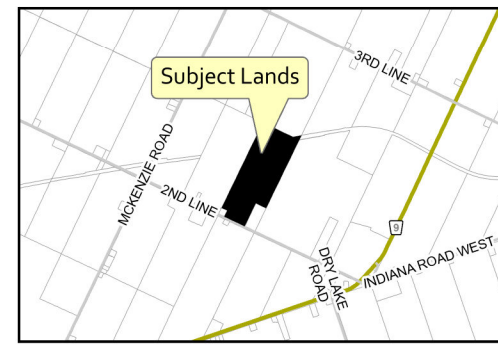


IMAGE INCLUDES MATERIAL ©2020 OF THE QUEEN'S PRINTER FOR ONTARIO; ALL RIGHTS RESERVED.

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

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. Receipt of final approval of the required zoning amendment (Zoning Amendment 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 ext. 6202. The Zoning Amendment must rezone the retained to remove residential uses and associated accessory uses, in accordance with the Haldimand County Official Plan and Provincial Policies. The condition of Consent Zoning Amendment shall address the reduced minimum frontage provisions of the Agriculture (A) zone of Zoning By-law No. HC 1-2020, as amended for a proposed minimum lot frontage of 10 m whereas a minimum 30 m is required.
4. Receipt of an Entrance permit from Roads Operations for the retained (farm) lands. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 2026, after which time this consent will lapse.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 10 metres (32.9 feet), and an area of 0.94 hectares (2.32 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to jcleaver@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

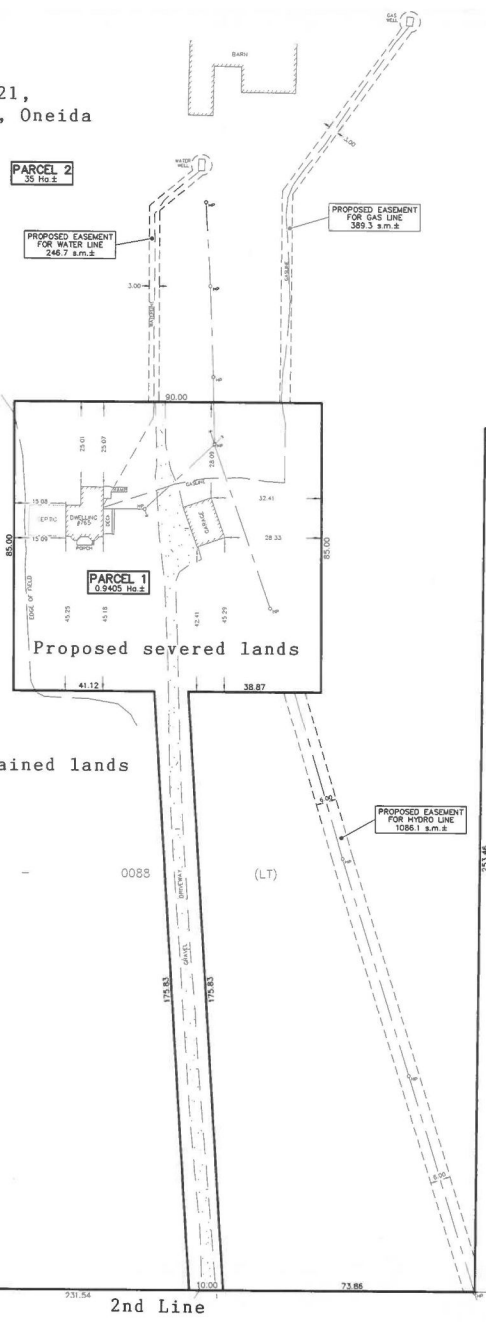
File No. PLB-2024-199

Assessment Roll No. 2810.153.001.07800.0000

Owner's Sketch 1 Of 2 FILE #PLB-2024-199 APPLICANT: Peirson



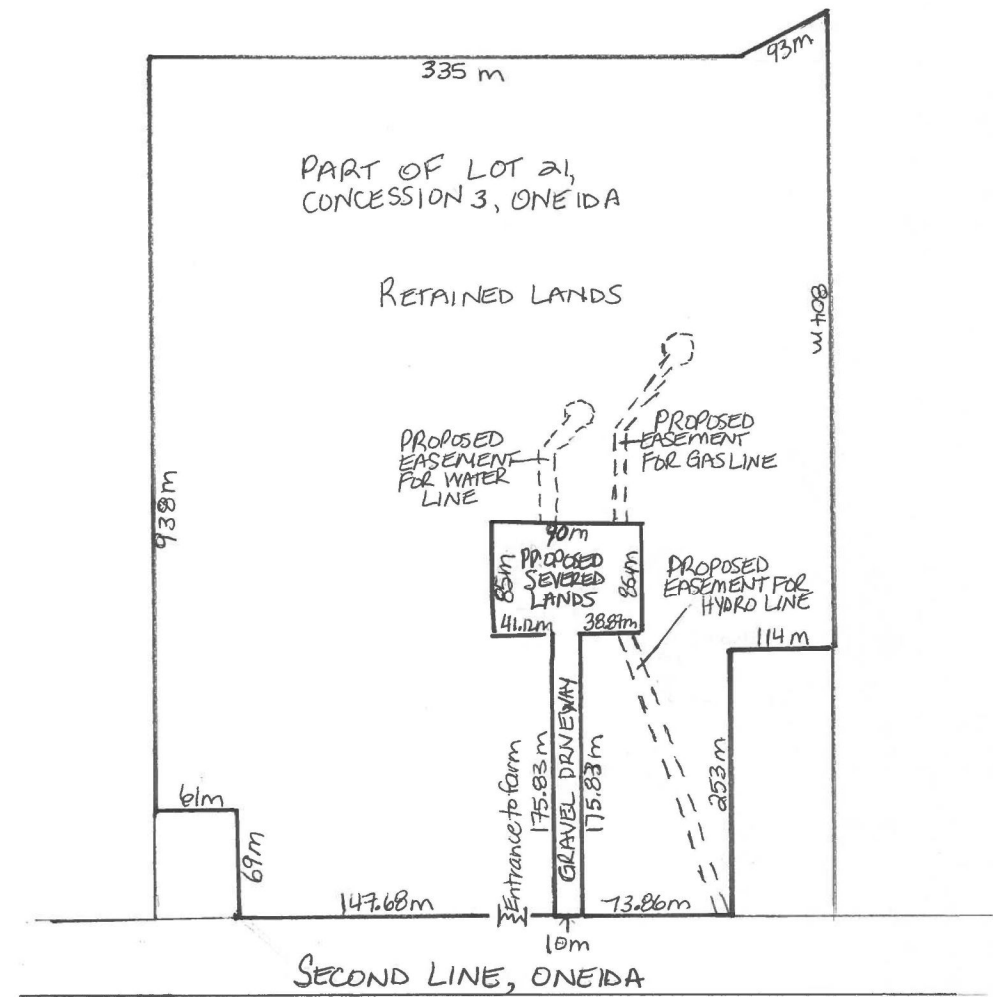
SKETCH #1
Part of Lot 21,
Concession 3, Oneida



Owner's Sketch 2 Of 2 FILE #PLB-2024-199 APPLICANT: Peirson



SKETCH #2





Haldimand County Committee of Adjustment

Consent

File Number: PLB-2024-213

Property Roll Number: 2810 153 002 01100 0000

Applicant: Walnut Grove Farms

Agent: Charles and Elizabeth Reu

Property Location: 4066 Highway 6, Legally Described as OND RANGE EPR PT LOT 27

For consideration on: December 17, 2024

Summary

The applicant proposes a boundary adjustment to add 0.28 hectares (0.69 acres) of land from 4066 Highway 6 to 4072 Highway 6. Planning staff recommends approval of this application, subject to the attached conditions, as it is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Recommendation

THAT application PLA-2024-213 be approved, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Jassie Cleaver, Secretary Treasurer, Committee of Adjustment

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant submitted a consent application to boundary adjust a portion of land having a frontage of 10.8 meters (35.43 feet) and an area of 0.28 hectares (0.69 acres) from 4066 Highway 6 to 4072 Highway 6 with a frontage of 65 meters (213.25 feet) and an area of 31.1 hectares (76.85 acres). The proposed benefitting lands are run on well and septic systems. The purpose of the application is to regularize the lot shape of 4072 Highway 6 so that it will share an interior lot line with the abutting rural residential lot to the north (4078 Highway 6) and match the rear lot line with the adjacent rural residential lot to the south (4064 Highway 6). The purpose of the application is also to provide 4072 Highway 6 with additional lands that are currently being maintained by the owners of said lot, provide

4072 Highway 6 with additional yard space for a future accessory building (detached garage), and to remove the potential for a future road / driveway access between 4072 Highway 6 and the abutting rural residential lot to the north (4078 Highway 6).

Site Features and Land Use:

The subject lands and benefitting lands are located in the geographic township of Oneida. The subject lands are municipally addressed as 4066 Highway 6. The subject lands consist of the severed lands and retained lands. The benefitting lands are municipally addressed as 4072 Highway 6.

The severed lands have a frontage of 10.8 metres (~35 feet) on Highway 6 and an area of 0.28 hectares (0.69 acres). The severed lands are irregular in shape. The severed lands are shaped as a backwards “L” wrapping around the north and east sides of the benefitting lands. The severed lands contain a residential accessory building (shed) and are mostly maintained yard space as their dimension and shape make the severed lands unusable for farming purposes. The severed lands are proposed to be consolidated / merged with the benefitting lands.

The retained lands have a frontage of 71.16 metres (~233 feet) on Highway 6 and an area of 30.92 hectares (76.4 acres). The retained lands are vacant and are in active agricultural (crop) production.

It is Planning staff’s understanding that the owners of the retained lands also own the abutting farmlands to the north (4136 Highway 6) and farm the retained lands and abutting farmlands as one operation. The abutting farmlands contain a single detached dwelling and two (2) barns, which are centrally located within the abutting farmlands, with the remainder of the lands in active agricultural (crop) production. This overall farming operation is not reflected in the Location Map (as County staff have not been advised of the merging / consolidation of these lands) and the abutting farmlands are not part of the subject lands. However, the overall farming operation is reflected in the attached Owner’s Sketches.

The benefitting lands have a frontage of 30.48 metres (100 feet) on Highway 6 and an area of 0.23 hectares (0.58 acres). The benefitting lands contain a single detached dwelling on private services.

Although the retained lands are actively farmed and the benefitting and severed lands are rural residential in nature, the subject lands and benefitting lands are located in the Hagersville settlement area boundary. The abutting farmlands to the north (4136 Highway 6) are partially located in the Hagersville settlement area boundary.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments received.

Haldimand County Planning & Development Services – Development Technologist:

No concerns with application.

Haldimand County Emergency Services:

No comments received.

Ministry of Transportation:

No comments received.

Hydro One:

No comments received.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

No comments received.

Six Nations:

No comments received.

Public:

No comments received.

Planning Analysis

Provincial Planning Statement, 2024 (PPS)

The subject lands and benefitting lands are located within Hagersville settlement area boundary.

Settlement areas are the focus of growth and development. The PPS does not provide policy direction and criteria for boundary adjustments within settlement areas. However, Planning staff review boundary adjustments within settlement areas based on their impact on future growth and development opportunities. The application will not have any impact on future growth and development opportunities in this area of Hagersville.

It is Planning staff's opinion that the application is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject lands and benefitting lands, together with the adjacent lands, were recently brought into the Hagersville settlement area boundary through the County's Official Plan (OP) Update project.

Prior to the OP Update, the lands were located in the prime agricultural area of the County, just north of Hagersville. The lands were also redesignated from “Agriculture” to “Urban Business Park” through the OP Update.

The OP Update envisions this area to develop into an urban business park in the long-term. Urban business parks are clusters of industries and business located within urban areas. The role of urban business parks is to provide opportunities for the development of industrial activities and those commercial uses that provided services to the industrial area or increase the attractiveness of industrial uses.

Notwithstanding, the OP permits uses that legally existed prior to the adoption of the OP or OP Update (2024) to be recognized in the Zoning By-law, subject to criteria, including that the legally existing uses must not unduly interfere with the desirable development of the adjacent area, particularly development that conforms with the policies of the OP.

It is Planning staff’s understanding that the owners of both the benefitting lands and retained lands plan to continue to use their properties for rural residential and agricultural purposes, respectively. However, Planning staff must assess the application against the future urban business park use, as this is the intended long-term use set out in the OP, to ensure that the application will not have any negative impacts on the future urban business park.

It is Planning staff’s opinion that the proposed boundary adjustment will not have any negative impacts. The application simply seeks to permit a small amount of maintained yard space to be severed from an existing agricultural lot and merged with an existing rural residential lot. The application does not seek to introduce or facilitate a new incompatible, sensitive land use within the future urban business park or limit access to the future urban business park. Instead, the application facilitates the consolidation of an appropriately sized urban business park lot (approximately 0.4 hectares (~1 acre) that is more regularly shaped; This is beneficial to any future industrial or commercial proposals that could come forward in the long-term. The size and shape of the consolidated lot (comprised of the severed lands and benefitting lands) also makes sense for current rural residential use and location in the context of the abutting and adjacent lands.

It is Planning Staffs opinion that the application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands and benefitting lands are zoned “Agriculture (A)” Zone within the Zoning By-Law HC 1-2020. The Zoning By-law legally recognizes the existing and actual use of the lands (i.e. rural residential and agriculture). Agriculture, a single detached dwelling, and residential accessory buildings are permitted on the lands under the “A” Zone.

The subject lands and benefitting lands satisfy the “A” Zone provisions (i.e. lot frontage, lot area, setbacks, etc.). The application will minimally increase the frontage and area of the consolidated lot. The retained lands will continue to satisfy the “A” Zone provisions.

The application notes that a residential accessory building (i.e. detached garage) is proposed for the consolidated lot. A residential accessory building is permitted within the "Agriculture (A)" Zone. The applicants will need to apply for building permits and ensure conformance with the Zoning By-law.

It is in Planning staff's opinion that this application conforms to the Zoning By-law.

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 11/29/2024

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.

Attachments:

1. Condition Sheet
2. Location Map
3. Owners Sketch 1
4. Owners Sketch 2
5. Owners Sketch 3

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 10.8 metres (35.7 feet), and an area of 0.28 hectare (0.69 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to jcleaver@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:

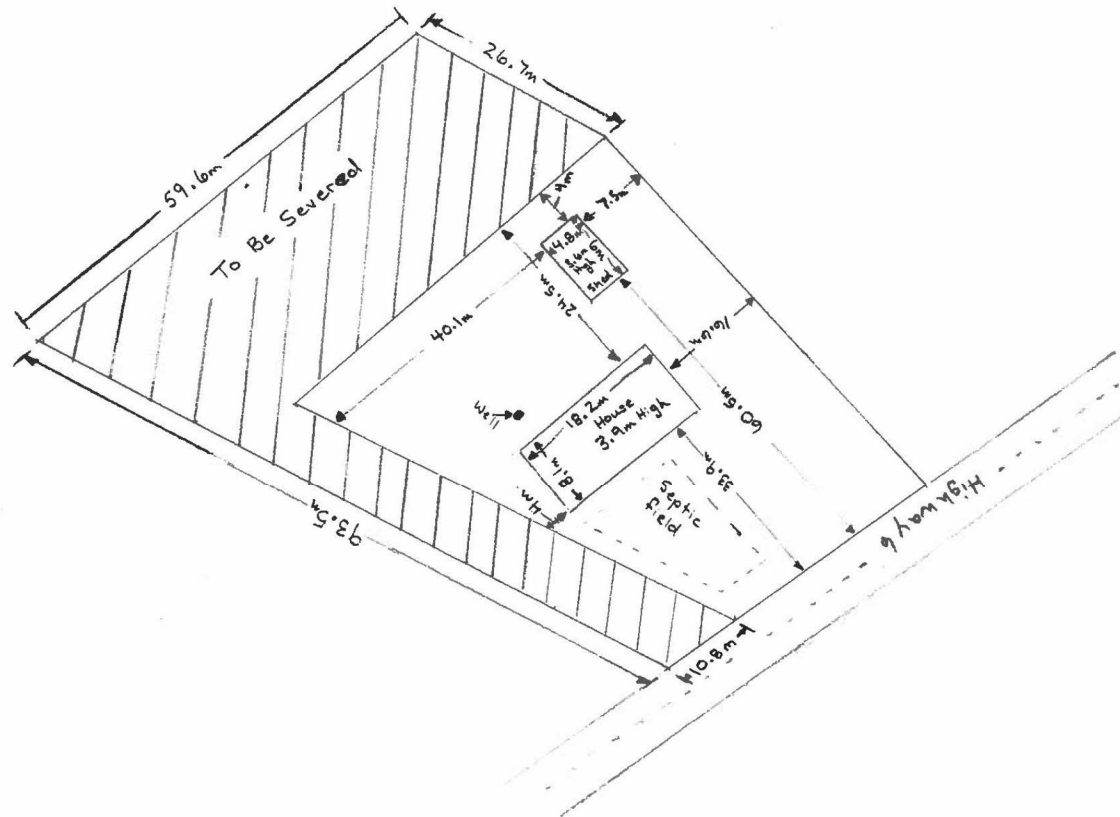
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum: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

4. That the severed parcels become part and parcel of the abutting lands presently owned by Charles and Elizabeth Reu and further identified as Roll # 2810-153-002-01120-0000
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17th, 2026 after which time this consent will lapse.

File No. PLB-2024-213

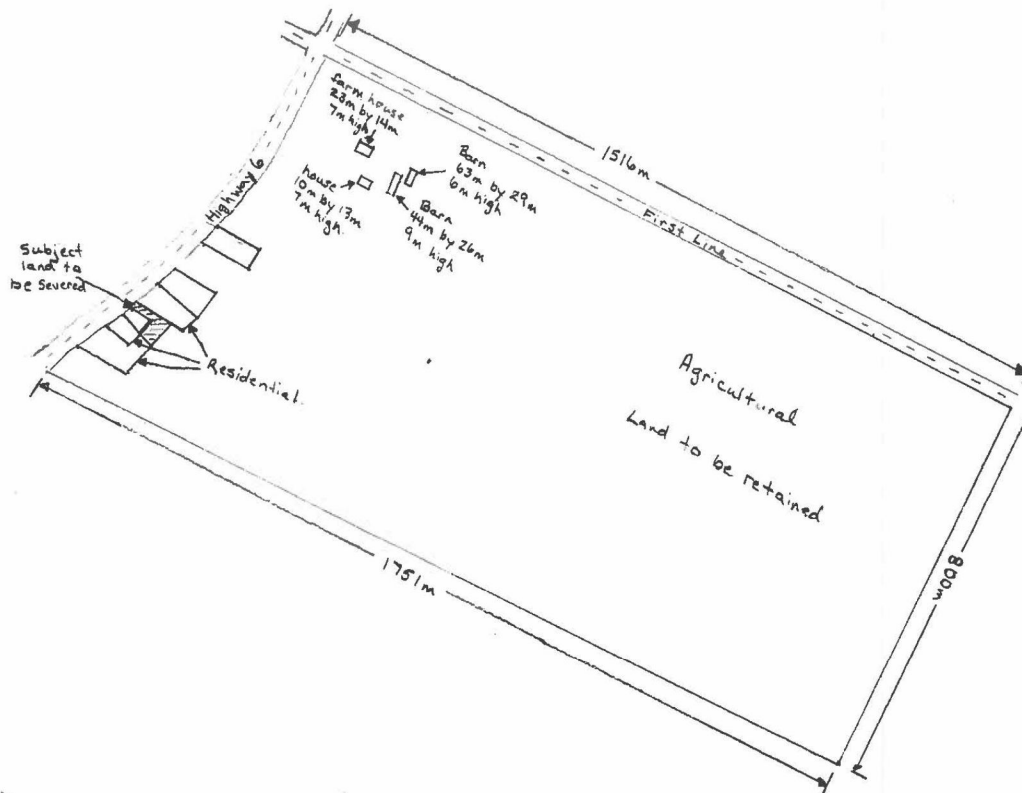
Assessment Roll No. 2810.153.002.01120.0000

Owner's Sketch 3 Of 3 FILE # PLB-2024-213 APPLICANT: Walnut Grove Farms



Subject Land to be Severed and land of road

Owner's Sketch 1 Of 3 FILE # PLB-2024-213 APPLICANT: Walnut Grove Farms

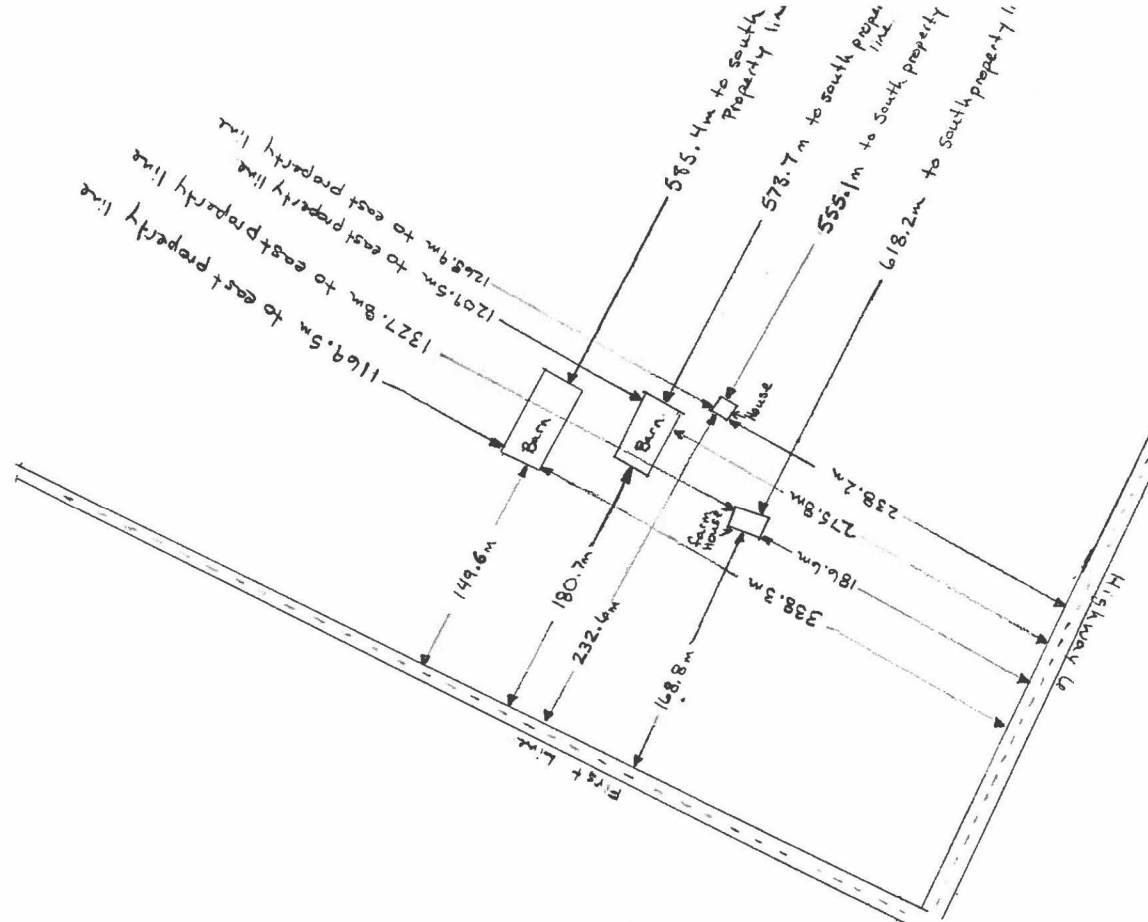


full map of Land to be retained

Map scale 1:18056



Owner's Sketch 2 Of 3 FILE # PLB-2024-213 APPLICANT: Walnut Grove Farms



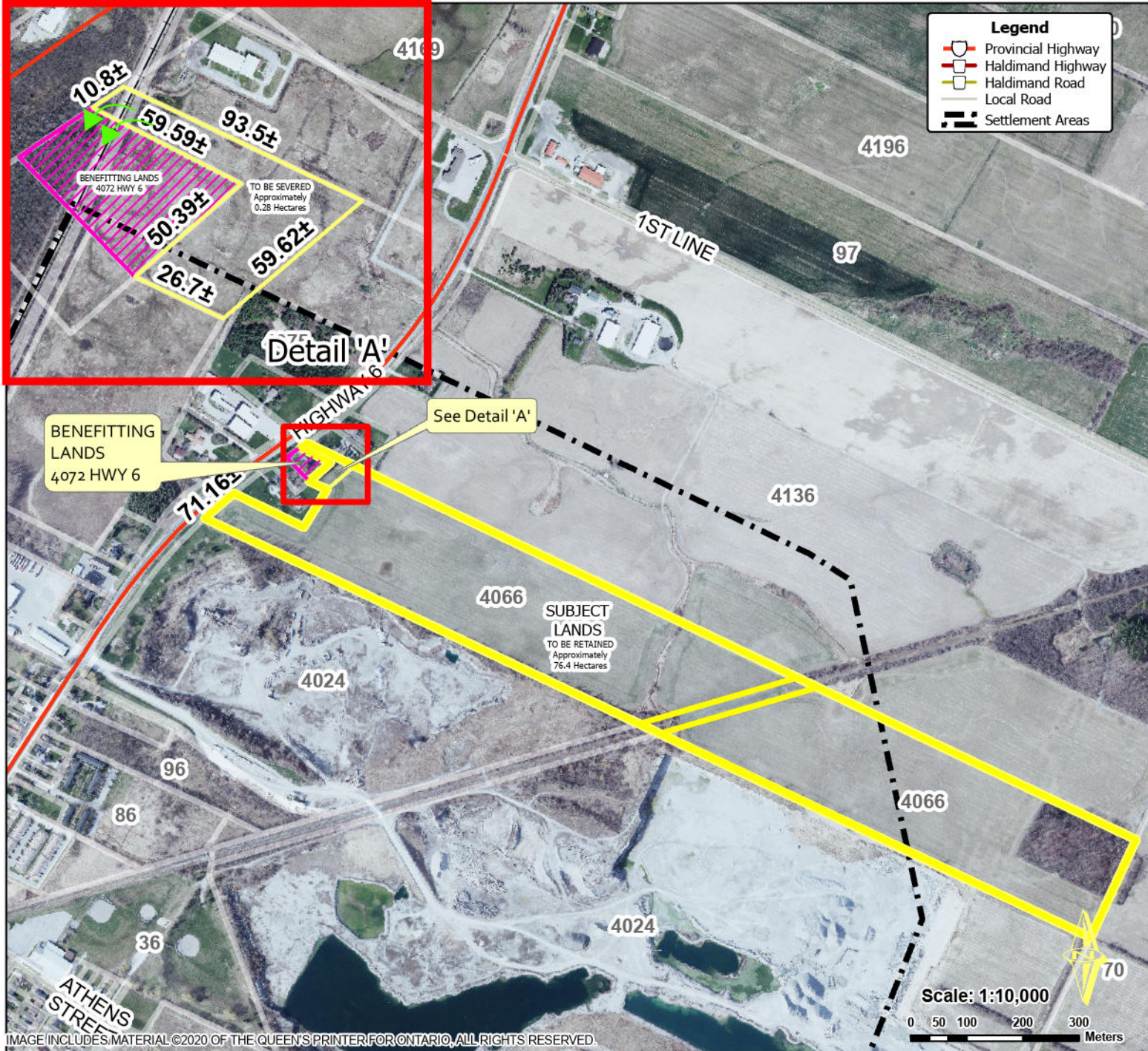
Distances of farm buildings to property lines

Location Map FILE #PLB-2024-213 APPLICANT: Walnut Grove Farms



Legend

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



Location:
**4066 HIGHWAY 6
 URBAN AREA OF HAGERSVILLE
 WARD 4**

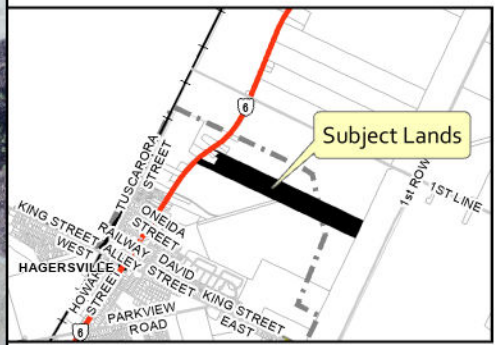
Legal Description:
OND RANGE EPR PT LOT 27

Property Assessment Number:
2810 153 002 01100 0000

Size:
76.78 HECTARES

Zoning:
A (Agricultural), GRCA (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.





Haldimand County Committee of Adjustment

Consent

File Number: PLB-2024-244

Property Roll Number: 2810-153-003-03200-0000

Applicant: Villam Ltd. / Clark Poultry Farms Ltd.

Agent: Waterous Holden Amey Hitchon LLP; Attn Courtney Boyd

Property Location: 394 4TH Line, Caledonia Legally Described as OND CON 4 PT LOT 14

For consideration on: December 17, 2024

Summary

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. Planning staff recommends approval of this application as it is consistent with the Provincial Planning Statement 2024, and conforms to the general intent of Haldimand County Official and Zoning By-law HC 1-2020.

Recommendation

THAT application PLB-2024-244 be approved, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant proposes to sever a parcel of land containing a surplus farm dwelling and two (2) residential accessory buildings (a garage and a shop). The severed lands are proposed to have a frontage of 64.01 meters (196.85 feet) and an area of 0.53 hectares (1.31 acres). The retained lands are proposed to have a frontage of 275.5 meters (903.87 feet) and an area of 39.8 hectares (98.36 acres). The retained farmlands will continue to be farmed by the applicant.

Site Features and Land Use:

The subject lands are located in the geographic township of Oneida, in the prime agricultural area of the County. The subject lands front onto the south side of 4th Line. The subject lands have a frontage of 340.49 metres (1117.09 feet) and an area 40.33 hectares (99.66 acres).

The subject lands consist of the severed lands and retained lands. The severed lands are proposed to have a frontage of 64.01 meters (196.85 feet) and an area of 0.53 hectares (1.31 acres). The severed lands contain a surplus farm dwelling and two (2) residential accessory buildings (a garage and a shop). The retained lands are proposed to have a frontage of 275.5 meters (903.87 feet) and an area of 39.8 hectares (98.36 acres). The barn and silo shown on the Location Map has been removed and there is no livestock operation on the subject lands. The retained lands are vacant and are in active agricultural (crop) production. The surrounding land uses are generally rural residential and agriculture in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

- 1) Septic to meet minimum setbacks per OBC.
- 2) Septic evaluation to be completed and confirmation of location of well.

Planning staff comment: A septic evaluation was not submitted as part of the application. While a septic evaluation was submitted much later in the application process, Building & Municipal Services have not had the opportunity to review. A condition of consent has been included in the condition sheet requiring approval of the septic evaluation prior to finalization of the consent.

- 3) Lot coverage exceeded for accessory buildings proposed on new lot.

Planning staff comment: Section 4.59 of the Zoning By-law sets out the regulations for Surplus Farm Dwelling Severance Properties. The Zoning By-law automatically rezones the severed lands and retained lands when the Committee of Adjustment approves surplus farm dwelling lots that are less than 0.6 hectares (1.48 acres) in size. Given the severed lands are 0.53 hectares (1.31 acres) in size, the retained lands would qualify for the automatic rezoning process without the need for a Zoning By-law Amendment application. As part of the automatic rezoning process, any existing accessory buildings on a surplus farm dwelling lot are granted relief of building height, floor area and accessory building lot coverage up to the dimensions at the time of severance and are deemed to comply with the Zoning By-law.

4) Hydro for barn fed off of pole on proposed severed lands.

Planning staff comment: The barn has been removed and Hydro One has no comments or concerns.

Haldimand County Planning & Development Services – Development Technologist:

Applicant needs to show proof of a legal entrance for the retained parcel.

Planning staff comment: A condition of consent has been included in the condition sheet requiring the applicant to obtain a road entrance permit.

Haldimand County Emergency Services:

No comments received.

Grand River Conservation Authority:

No objections to the severance application.

Hydro One:

No comments or concerns.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

No comments received.

Six Nations:

No comments received.

Public:

No comments received.

Planning Analysis

Provincial Policy Statement, 2024 (PPS)

The subject lands are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area. However, the PPS permits lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water service and the

planning authority ensures that new residential dwellings are prohibited on the retained farmland. The application meets this criteria.

It is Planning staff's opinion that the application is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject lands are designated "Agriculture" in the Haldimand County Official Plan (OP).

The OP states that lot creation in the "Agriculture" designation is generally discouraged and may only be permitted in limited circumstances, including a severance for a habitable farm dwelling of a minimum age of ten 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.

Planning staff comment: The applicant submitted a declaration of habitability stating the surplus farm dwelling is habitable. The surplus farm dwelling located on the subject lands was constructed in 1890. The applicant has demonstrated that the farm dwelling was made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwelling within the County.

The creation of a surplus farm dwelling lot will be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production;

Planning staff comment: The severed lands are 0.53 hectares (1.3 acres) in size.

- 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 severed lands will be serviced by the existing cistern and septic system. A condition of consent has been included in the condition sheet requiring approval of the septic evaluation prior to finalization of the consent.

- 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 retained lands will be 39.8 hectares (98.36 acres) in size, which is sufficient for a viable farming operation. The retained lands will also have frontage and access onto a municipal road.

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

Planning Comment: There is no livestock operation on the subject land. Therefore the MDS formulae does not apply.

- 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 severed lands are not located within 300 metres of licensed pits or 500 metres of licensed 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 lands and retained lands will have frontage on an existing public road, known municipally as 4th Line.

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

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

It is Planning staff's opinion that that the application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020. The "A" Zone permits agriculture use, a single family dwelling, and residential accessory buildings. The Zoning By-law automatically rezones the severed lands and retained lands when the Committee of Adjustment approves surplus farm dwelling lots that are less than 0.6 hectares (1.48 acres) in size. Given the severed lands are 0.53 hectares (1.31 acres) in size, the severed lands and retained lands would qualify for the automatic rezoning process without the need for a Zoning By-law Amendment application. As part of the automatic rezoning process, a single detached dwelling will be removed as permitted use on the retained lands. In addition the existing accessory buildings (a garage and a shop) are granted relief of building height, floor area and accessory building lot coverage up to the dimensions at the time of severance.

Further, the severed lands and retained lands satisfy the zone provisions for lot frontage, lot size, and setbacks. The accessory building area very closely approximates the maximum accessory building area and will be permitted through the automatic rezoning process.

It is Planning staff's opinion that the application conforms to the Zoning By-law.

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 11/29/2024

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

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

Attachments:

1. Condition Sheet
2. Location Map
3. Owner Sketch 1
4. Owner Sketch 2

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 64.01 metres (210.01 feet), and an area of 0.53 hectare (1.31 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 jcleaver@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. Receipt of a road entrance permit for the retained parcels from Roads Operations provided to the Secretary-Treasurer. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. 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.

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17th, 2026, after which time this consent will lapse.

File No. PLB-2024-244

Assessment Roll No. 2810.153.003.03200.0000

Location Map FILE #PLB-2024-244 APPLICANT: Villam LTD/Clark Poultry Farm



Location:
394 4TH LINE
GEOGRAPHIC TOWNSHIP OF ONEIDA
WARD 4

Legal Description:
OND CON 4 PT LOT 14

Property Assessment Number:
2810 153 003 03200 0000

Size:
Approx. 40.86 HECTARES

Zoning:
A (Agriculture), GRCA (Regulated Lands)
HCOP (Natural Environment Wetland Area)
GRCA (Wetland)

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.

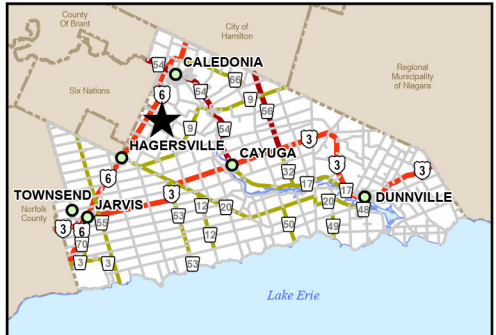
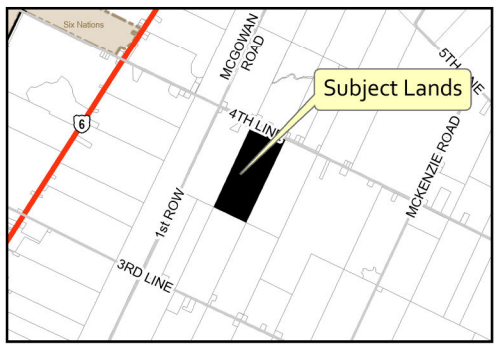
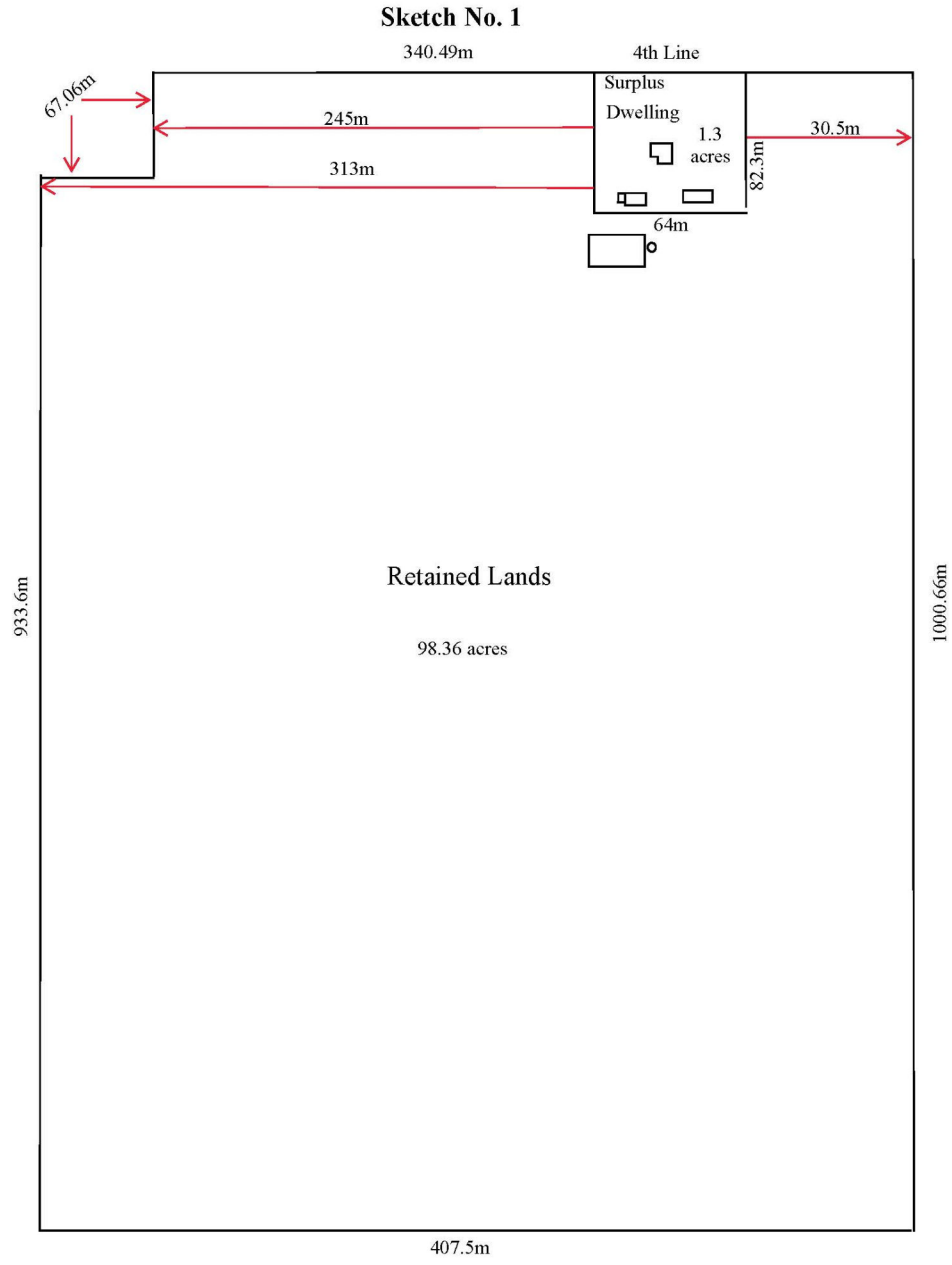
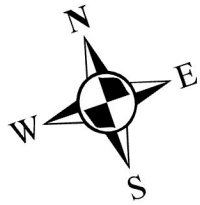
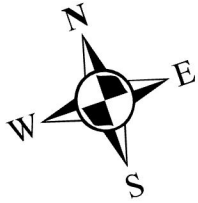


IMAGE INCLUDES MATERIAL ©2020 OF THE QUEEN'S PRINTER FOR ONTARIO, ALL RIGHTS RESERVED.

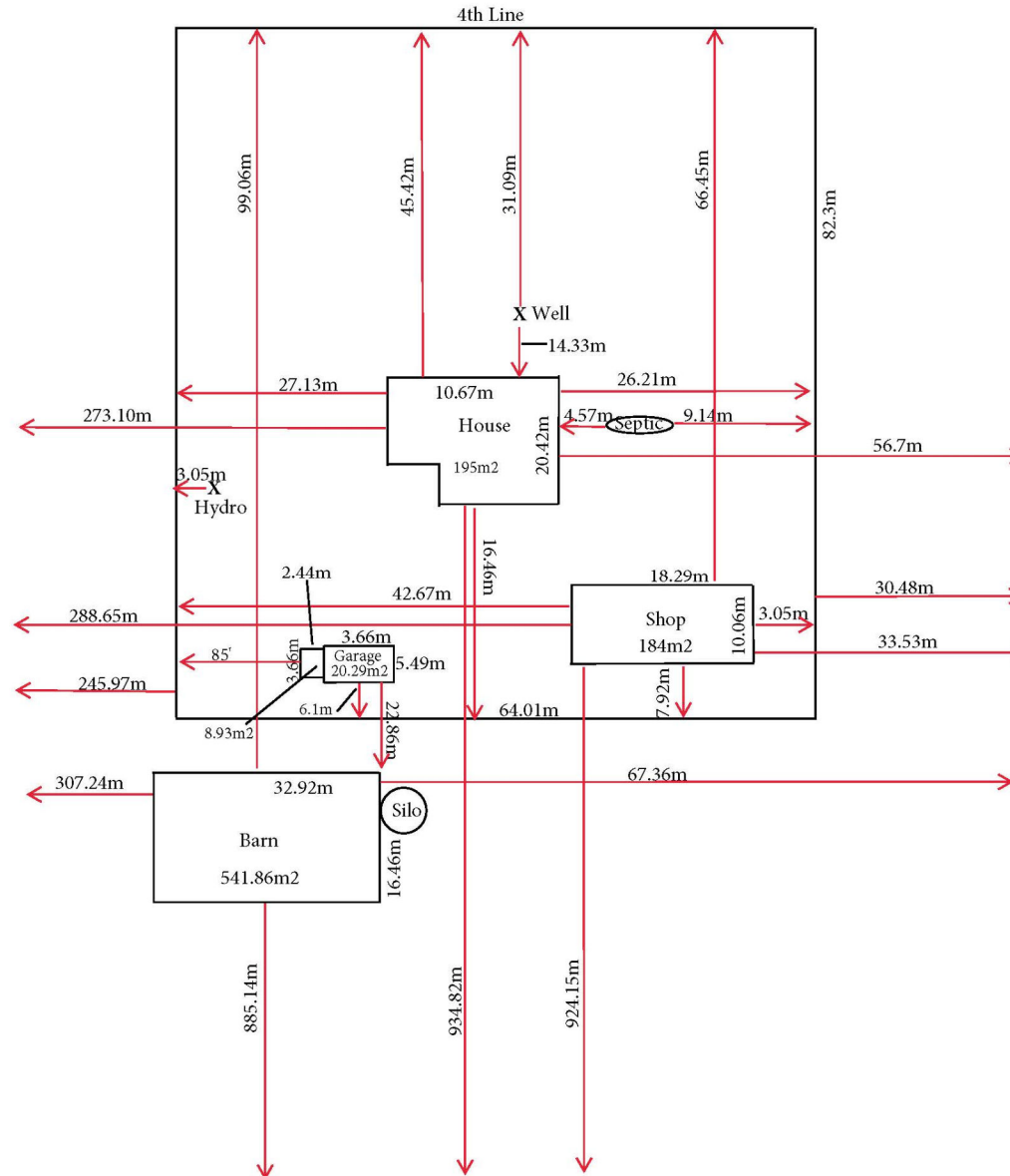
Owner's Sketch 1 Of 2 FILE #PLB-2024-244 APPLICANT: Villam LTD/Clark Poultry Farm



Owner's Sketch 2 Of 2 FILE #PLB-2024-244 APPLICANT: Villam LTD/Clark Poultry Farm



Sketch No. 2





Haldimand County Committee of Adjustment

Consent

File Number: PLB-2024-239

Property Roll Number: 2810-023-001-08400-0000

Applicant: Harold Kelly

Agent: Kim Hessels

Property Location: 398 Diltz Road, Legally Described as MOULTON CON 1 CANBOROUGH PT LOT 6 RP 18R6738 PARTS 1 AND 2

For consideration on: December 17, 2024

Summary

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. Planning staff recommends refusal of this application as it is not consistent with the Provincial Planning Statement, 2024, and does not conform to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Recommendation

THAT application PLB-2024-239 be refused as the application is not consistent with the Provincial Planning Statement, 2024 and does not conform to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. The severed lands are proposed to have a frontage of 41 metres (~135 feet) and an area of 0.38 hectares (0.94 acres). The retained lands are proposed to have 0 metres (0 feet) of frontage and an area of approximately 5.08 hectares (12.55 acres).

Site Features and Land Use:

The subject lands are located in the geographic township of Moulton, in the prime agricultural area of the County. The subject lands front onto the west side of Diltz Road. The subject lands have a frontage of 41 metres (~135 feet) and an area of 5.46 hectares (13.50 acres).

The subject lands consist of the severed lands and retained lands. The severed lands are proposed to have a frontage of 41 metres (~135 feet) and an area of 0.38 hectares (0.94 acres). The severed lands contain a single detached dwelling on private services and a residential accessory building. The severed lands are located between two existing rural residential lots. The retained lands are proposed to have 0 metres (0 feet) of frontage and an area of approximately 5.08 hectares (12.55 acres). The retained lands are vacant and are in active agricultural (crop) production. The surrounding land uses are generally rural residential and agriculture in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments**Haldimand County Building & Municipal Enforcement Services:**

We are concerned about landlocking the retained lands. Confirmation is required that the retained lands will be merged with the abutting lot municipally addressed as 404 Diltz Road.

Haldimand County Planning & Development Services – Development Technologist:

The applicant needs to provide proof of entrance for retained parcel.

Planning Comment: Given the proposal to landlock the retained lands, an entrance permit cannot be issued. Therefore, an entrance permit has not been included in the condition sheet.

Haldimand County Emergency Services:

No comments received.

Grand River Conservation Authority:

No comments received.

Hydro One:

Hydro One has no concerns regarding the severance. There is a primary / secondary pole line on private property (between the house and Diltz Road) that runs parallel to Diltz Road through the subject lands. Any existing Registered / Unregistered Easements for this line will remain.

Facilities, Parks, Cemeteries, and Forestry Operations:

398 Diltz Road contains Significant Woodlands identified in the County's Official Plan. An Environmental Impact Study (EIS) is required to demonstrate that the proposed development will have no negative impacts on the natural features or their ecological functions.

The applicant also needs to show access to the proposed agricultural parcel after severance as it will be landlocked.

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 Planning Statement, 2024 (PPS)**

The subject lands are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area and permits it in very limited circumstances, which includes permitting one new residential lot per farm consolidation for a residence surplus to an agricultural operation provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water service and the planning authority ensures that new residential dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The applicant has failed to demonstrate farm consolidation or that the residence is surplus to an agricultural operation. The applicant submitted Form 1 – Residential Lot in a Rural/Agricultural Area – Information Form as part of his application, which lists the applicant's farms and dwellings. According to the Form, the applicant only owns one other lot containing a dwelling (415 Diltz Road); This is a rural residential lot measuring 0.2 hectares (0.5 acres) in size and is not a farm. Owning the subject lands and this rural residential lot is not considered farm

consolidation and the dwelling on the subject lands is not considered surplus to a farming operation as a result of farm consolidation. The applicant must own another farm containing a dwelling to qualify for a surplus farm dwelling severance.

It is Planning staff's opinion that the application is not consistent with the PPS. Therefore, Planning staff recommends that the application be refused.

Haldimand County Official Plan (OP)

The subject lands are designated "Agriculture" in the Haldimand County Official Plan (OP).

The OP states that lot creation in the "Agriculture" designation is generally discouraged and may be only permitted in limited circumstances, which includes a severance for a habitable farm dwelling with a minimum age of ten 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 shall be permitted on the retained lands.

Planning staff comment: The applicant has failed to demonstrate that the dwelling on the subject lands is made surplus through farm consolidation where it is part of a farm holding containing two or more dwellings and where each farm is located within the County.

The creation of a surplus farm dwelling lot will need to meet the following criteria:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production;

Planning staff comment: The severed lands are 0.38 hectares (0.94 acres) in size.

- 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 staff comment: The severed lands will be serviced by an existing cistern and septic system. A septic evaluation has been submitted as part of the application. Building staff did not have concerns regarding the septic system.

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

Planning staff comment: The severance will remove all frontage and access for the retained (farm) lands. The retained lands will be landlocked, which will have severe impact on the operation and the viability of the farm; There will be no legal frontage or access for the farmlands.

Additionally, the retained lands are 5.08 hectares (12.55 acres) in size, and preferred farm size in the OP is 40 hectares (100 acres). In addition to being landlocked, the retained lands are severely undersized.

The applicant has failed to demonstrate that the severance will not adversely affect the operation or viability from a frontage and access perspective and lot size perspective.

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

Planning Comment: The subject lands do not contain a livestock operation, therefore the MDS formulae does not apply.

- 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 severed lands are not located within 300 metres of licensed pits or 500 metres of licensed quarries.

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

Planning Comment: The severed lands will have frontage on an existing public road, known municipally as Diltz Road. However, the severance will remove road frontage and access for the retained lands. The retained lands will not have safe and direct access to a permanently maintained public road.

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

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

It is Planning staff's opinion that the application does not conform to the OP. More specifically, the applicant has failed to demonstrated that the dwelling on the subject lands is made surplus through farm consolidated where it is part of a farm holding containing two or more dwellings and where each farm is located within the County and the severance will landlock the retained (farm) lands, cutting off legal frontage and access to the retained (farm) lands. Therefore, Planning staff recommends that the application be refused.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agriculture (A)" in the Haldimand County Zoning By-law HC 1-2020. The "A" Zone permits agriculture use, a single family dwelling, and residential accessory buildings. The Zoning By-law automatically rezones the retained farmlands by removing a single family dwelling when the Committee of Adjustment approves surplus farm dwelling lots that are less than 0.6 hectares (1.48 acres) in size. Given the severed lands are 0.38 hectares (0.94 acres) in size, the

retained lands would qualify for automatic rezoning process without the need for a Zoning By-law Amendment application.

While the severed lands satisfy the zoning provisions for lot frontage, lot area, and setbacks, the retained farmlands do not satisfy the lot frontage provision (required = 30 metres (~99 feet), proposed = 0 metres (0 feet)). The severance will landlock the retained lands and remove legal frontage and access. This does not meet the intent of the lot frontage provision.

It is Planning staff's opinion that the application does not conform to the Zoning By-law. Therefore, Planning staff recommends that the application be refused.

Other

There are two significant concerns with the subject application:

Road Access and Frontage

The applicant applied for a consent application to sever a surplus farm dwelling. The applicant did not also apply for a consent to boundary adjust the retained (farm) lands to the abutting lot (404 Diltz Road) through the same consent application, which is an option, or illustrate such boundary adjustment in the Owner's Sketches. If the Owner desires to merge the retained lands with the abutting lot (404 Diltz Road) to address the lack of road frontage and access, the application should be amended to both a surplus farm dwelling severance and boundary adjustment.

Farm consolidation and surplus farm dwelling

The applicant has failed to demonstrate that the dwelling on the subject lands is made surplus through farm consolidation where it is part of a farm holding containing two or more dwellings and where each farm is located within the County. The applicant must own another farm containing a dwelling to qualify for a surplus farm dwelling severance. Unless the Owner purchases an additional farm containing a dwelling, the application will not meet the PPS and OP policies. Therefore, the application should be refused.

However, should the Committee desire to approve the application, Planning staff have prepared a condition sheet. This includes a condition that requires the retained farmlands be merged with the abutting lot (404 Diltz Road).

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 11/27/2024

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

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

Attachments:

1. Condition Sheet
2. Location Map
3. Owners Sketch 1
4. Owners Sketch 2

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. To ensure that the retained lands are not landlocked, the applicant is required to merge the retained lands with the abutting lands at 404 Diltz Road. One approach may be to apply for a boundary adjustment. Proof the retained lot has been merged with 404 Diltz Road must be provided to the County. Boundary Adjustments can take three months, therefore, your application must be submitted as soon as possible. For further information, please contact Planning Staff at 905-318-5932.
4. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 40.99 metres (134.48 feet), and an area of 0.38 hectare (0.94 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 jcleaver@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:

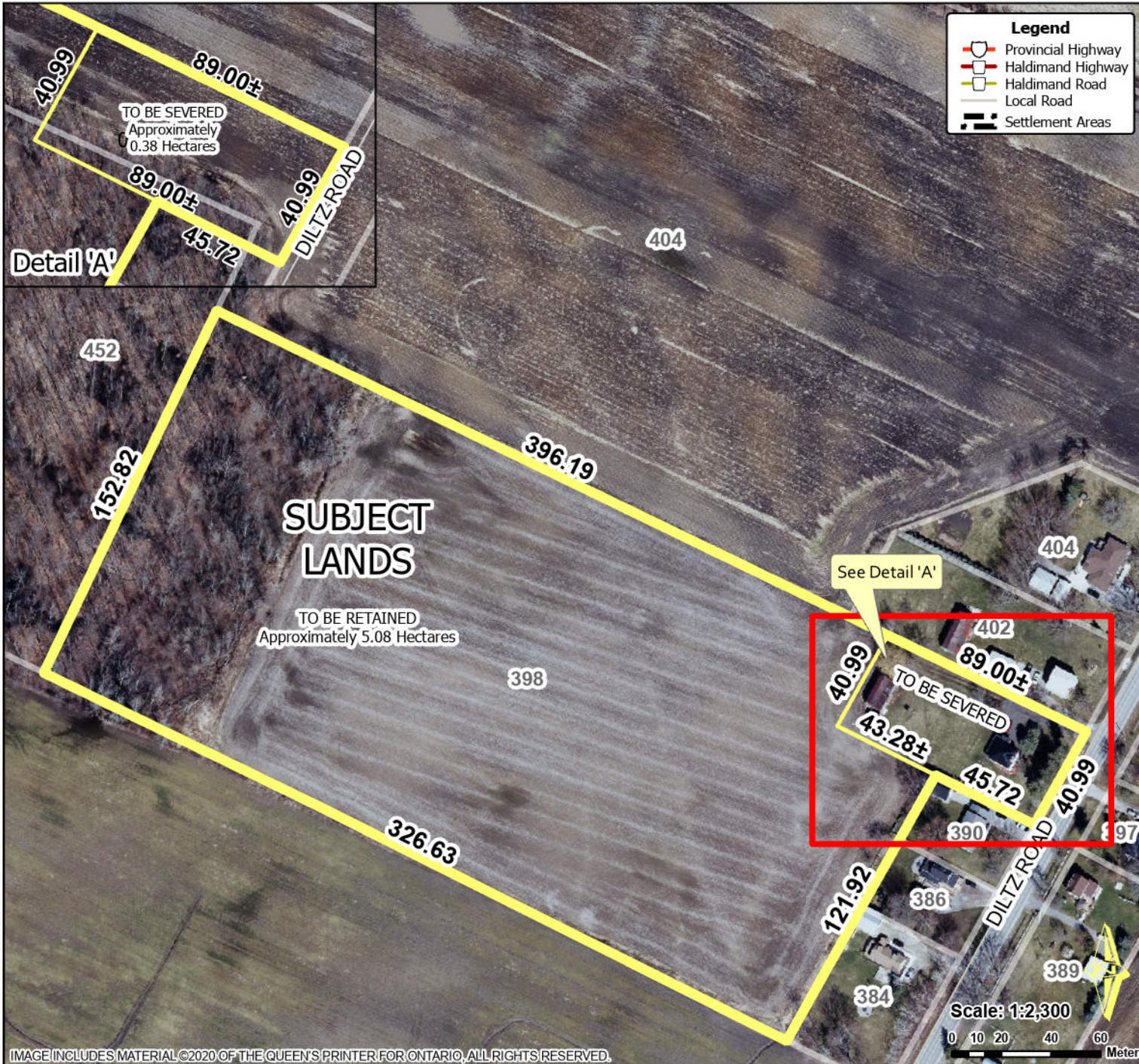
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree
5. A scoped Environmental Impact Study (EIS) is required to demonstrate that the proposed development will have no negative impacts on the natural features or their ecological functions. Please consult Adam Chamberlin, Project Manager, Forestry – Facilities, Parks, Cemeteries, and Forestry Operations at achamberlin@haldimandcounty.on.ca and send EIS to Secretary Treasurer Jassie Cleaver at jcleaver@haldimandcounty.on.ca

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17th, 2026, after which time this consent will lapse.

File No. PLB-2024-239

Assessment Roll No. 2810.023.001.08400.0000

Location Map FILE #PLB-2024-239 APPLICANT: Kelly



Location:
 398 DILTZ ROAD
 GEOGRAPHIC TOWNSHIP OF MOULTON
 WARD 5

Legal Description:
 MOULTON CON 1 CANBOROUGH PT
 LOT 6 RP 18R6738 PARTS 1 AND 2

Property Assessment Number:
 2810 023 001 08400 0000

Size:
 5.46 HECTARES

Zoning:
 A (Agricultural)
 GRCA (Wetland), GRCA (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.

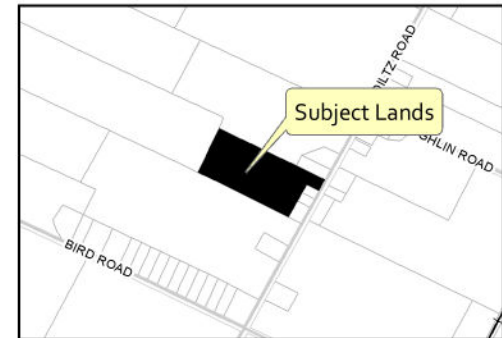
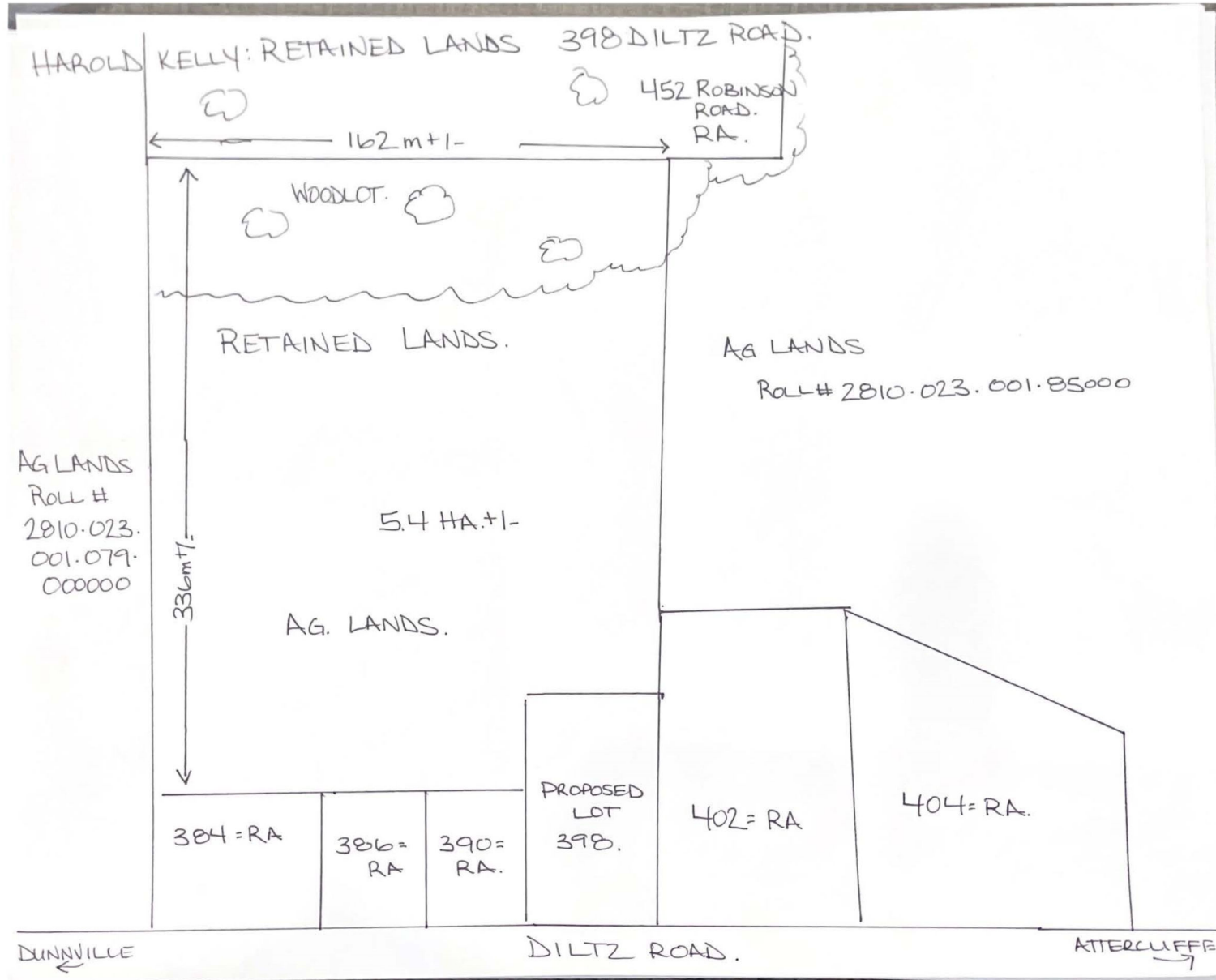
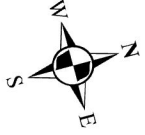
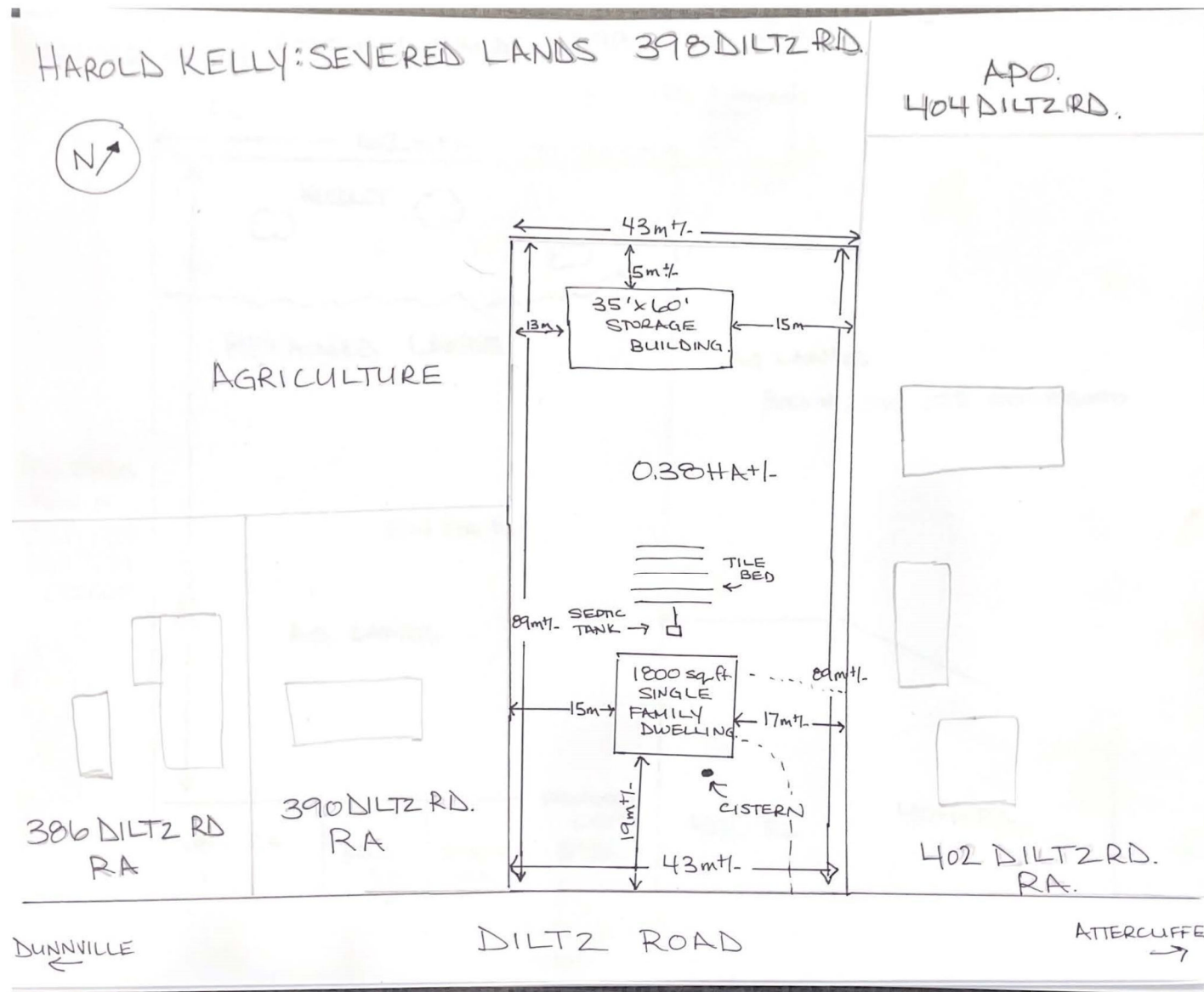
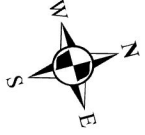


IMAGE INCLUDES MATERIAL ©2020 OF THE QUEEN'S PRINTER FOR ONTARIO, ALL RIGHTS RESERVED.

Owner's Sketch 2 Of 2 FILE #PLB-2024-239 APPLICANT: Kelly



Owner's Sketch 1 Of 2 FILE #PLB-2024-239 APPLICANT: Kelly





Haldimand County Committee of Adjustment

Consent

File Number: PLB-2024-209

Property Roll Number: 2810-022-001-03700-0000

Applicant: Glen Tilstra

Agent: Kim Hessels

Property Location: 389 Lane Road, Dunnville, Legally Described as CAN CON 2 PT LOT 12

For consideration on: December 17, 2024

Summary

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. Planning staff recommends refusal of this application as it is not consistent with the Provincial Planning Statement, 2024, and does not conform to the intent of the Haldimand County Official Plan.

Recommendation

THAT application PLB-2024-209 be refused as the application is not consistent with the Provincial Policy Statement, 2024 and does not conform to the intent of the Haldimand County Official Plan.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. The severed lands are proposed to have a frontage of 31 meters (~102 feet) and an area of 0.58 hectares (1.43 acres). The retained lands have a frontage of 62.23 metres (204 feet) and an area of 33 hectares (81.54 acres).

Site Features and Land Use:

The subject lands are located in the geographic township of Canborough, in the prime agricultural area of the County. The subject lands front onto the south side of Lane Road and flank Melick Road to the east. The subject lands have a frontage of 93.22 metres (~306 feet) and an area of 33.58 hectares (82.97 acres).

The subject lands consist of the severed lands and retained lands. The severed lands are proposed to have a frontage of 31 meters (~102 feet) and an area of 0.58 hectares (1.43 acres). The severed lands currently contain a single detached dwelling and a residential accessory building. The retained lands have a frontage of 62.23 metres (204 feet) and an area of 33 hectares (81.54 acres). The retained lands contain two agricultural buildings that are proposed to be removed. The retained lands are in active agricultural (crop) production and contain a significant amount of Significant Woodlands and Significant Wetlands. The surrounding land uses are generally rural residential and agriculture in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

A septic evaluation was provided as part of the application. The septic evaluation is not acceptable. Side yard distance to Mantle is a concern.

Planning staff comment: Planning staff recommends refusal of this application. However, should the Committee desire to approve this application, Planning staff recommends that the application be deferred to allow the applicant time to amend the application, including the lot configuration, to provide an acceptable side yard to the mantle of the septic system in accordance with the *Ontario Building Code*. Should the Committee desire to approve the application as is, Planning staff have included a condition of approval in the condition sheet requiring that the septic system be modified or a new septic system be installed to the satisfaction of the Building & Municipal Enforcement Division.

Haldimand County Planning & Development Services – Development Technologist:

Applicant needs to show proof of a legal entrance for the retained parcel.

Planning staff comment: Planning staff recommend refusal of this application. Should the Committee desire to approve the application as is, Planning staff have included a condition of approval in the condition sheet requiring that the applicant obtain a road entrance permit for the retained lands.

Haldimand County Emergency Services:

No comments received.

Niagara Peninsula Conservation Authority:

The NPCA has reviewed the subject application in relation to the surplus farm dwelling severance for 389 Lane Road. The NPCA would advise that the following regulated features are present on the lands:

- Watercourse, traversing the edge of the farmed lands along the edge of the manicured lawn.
- Provincially Significant Wetland, associated with the Attercliff Station Provincially Significant Wetland Complex.

Upon NPCA's reviews, the Agency notes that the watercourse will end up on the surplus lot. Despite this, there would remain sufficient room for servicing and amenities on both impacted lots. The owners of both properties should be made aware that any future development or site alteration on any lot will require review and approval by our Agency.

As such, the NPCA can support this application.

Hydro One:

Hydro One has no concerns regarding this severance.

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, 2024 (PPS)

The subject lands are located in the prime agricultural area of Haldimand County. The PPS discourages lot creation in the prime agricultural area and permits it in very limited circumstances, which includes permitting one new residential lot per farm consolidation for a residence made surplus to an agricultural operation provided that the lot will be limited to a minimum size to accommodate the use and appropriate sewage and water service and the planning authority ensures that new residential dwellings and additional residential units are prohibited on any remnant parcel of farmland created by severance. The applicant submitted Form 1 – Residential in a Rural/Agricultural Area – Information Form as part of his application, which lists the applicant's farms and dwellings. According to the Form, the applicant currently owns three parcels of land within Haldimand County, which include:

1. The subject lands (389 Lane Road): The subject lands are 39.7 hectare (98.18 acres) in size, although a portion of the subject lands are impacted by significant natural heritage features.

2. 377 Lane Road: This property is 3.73 hectares (9.22 acres) in size with 2.83 hectares (7 acres) of workable area.
3. 7333 Canborough Road: This property is 3.86 hectares (9.54 acres) in size with 3.24 hectares (8 acres) being of workable area.

The preferred agricultural lot size is 40 hectares (100 acres). The subject lands closely approximate the preferred agricultural lot size and are considered to be a viable, standalone lot for a farming operation. The lot size and workable acreage for the other two properties are not considered to be viable, standalone lots for farming operations; The lot sizes are considered to be more in line with a rural residential lot. Owning the subject lands and these residential lots is not considered farm consolidation and does not qualify the farm dwelling on the subject lands as surplus. The applicant must own another viable, standalone farm containing a dwelling to qualify for a surplus farm dwelling severance.

It is Planning staff's opinion that the application is not consistent with the PPS. Therefore, Planning staff recommends that the application be refused.

Haldimand County Official Plan (OP)

The subject lands are designated "Agriculture" in the Haldimand County Official Plan.

The OP states that lot creation in the "Agriculture" designation is generally discouraged and may only be permitted in limited circumstances, including a surplus farm dwelling of a minimum age of ten 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.

Planning staff comment: The applicant has failed to demonstrate that the dwelling on the subject lands is made surplus through farm consolidation where it is part of a farm holding containing two or more dwellings and where each farm is located within the County

The creation of a surplus farm dwelling lot will need to meet the following criteria:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production;

Planning staff comment: The severed lands are 0.58 hectares (1.43 acres) in size.

- 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 staff comment: The severed lands will be serviced by an existing cistern and septic system. A septic evaluation was submitted as part of the application. Building staff have concerns regarding the septic system; Should committee desire to approve the application, the application should be deferred to allow applicants time to reconfigure the lot to provide a sufficient setback from the mantle of the septic system to the new property line to meet the *Ontario Building Code*.

Otherwise, installation of a new septic system or modification of the septic system will be required.

- 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 staff comment: While the proposed severance does not adversely affect the operation or viability of the farm parcel in this consent application, the applicant does not own additional farm parcels that are viable for farming operations. The preferred farm size in the OP is 40 hectares (100 acres). While the retained lands generally meets this criteria, the other two parcels that the applicant owns are considered to be rural residential lots and are not considered to be viable farming operations according to the OP.

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

Planning staff comment: The subject lands do not contain a livestock operation, therefore the MDS formulae does not apply.

- 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 staff comment: The severed lands are not located within 300 metres of licensed pits or 500 metres of licensed quarries.

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

Planning staff comment: The severed lands and retained lands will have frontage on an existing public road, known municipally as Lane Road.

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

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

It is Planning staff's opinion that the application does not conform to the OP. More specifically, the applicant has failed to demonstrate that the dwelling on the subject lands is made surplus through farm consolidation where it is part of a farm holding containing two or more dwellings and where each farm is located within the County. Therefore, Planning staff recommends that the application be refused.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned “Agriculture (A)” in the Haldimand County Zoning By-law HC 1-2020. The “A” Zone permits agriculture use, a single family dwelling, and residential accessory buildings. The Zoning By-law automatically rezones the retained farmlands by removing a single family dwelling when the Committee of Adjustment approves surplus farm dwelling lots that are less than 0.6 hectares (1.48 acres) in size. Given the severed lands are 0.58 hectares (1.43 acres) in size, the retained lands would qualify for automatic rezoning process without the need for a Zoning By-law Amendment application.

The severed lands and retained lands satisfy the zoning provisions for lot frontage, lot area, and setbacks. The owner do not qualify for surplus farm dwelling in the OP.

It is Planning staff’s opinion that the application conforms to the Zoning By-law.

Other

Planning staff recommends refusal of this application because it is not consistent with the PPS and does not conform to the OP. However, should the Committee desire to approve the application, Planning staff have prepared a condition sheet.

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 11/27/2024

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.

Attachments:

1. Condition Sheet
2. Location Map
3. Owners Sketch 1
4. Owners Sketch 2

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 30.99 metres (101.67 feet), and an area of 0.58 hectare (1.43 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 jcleaver@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

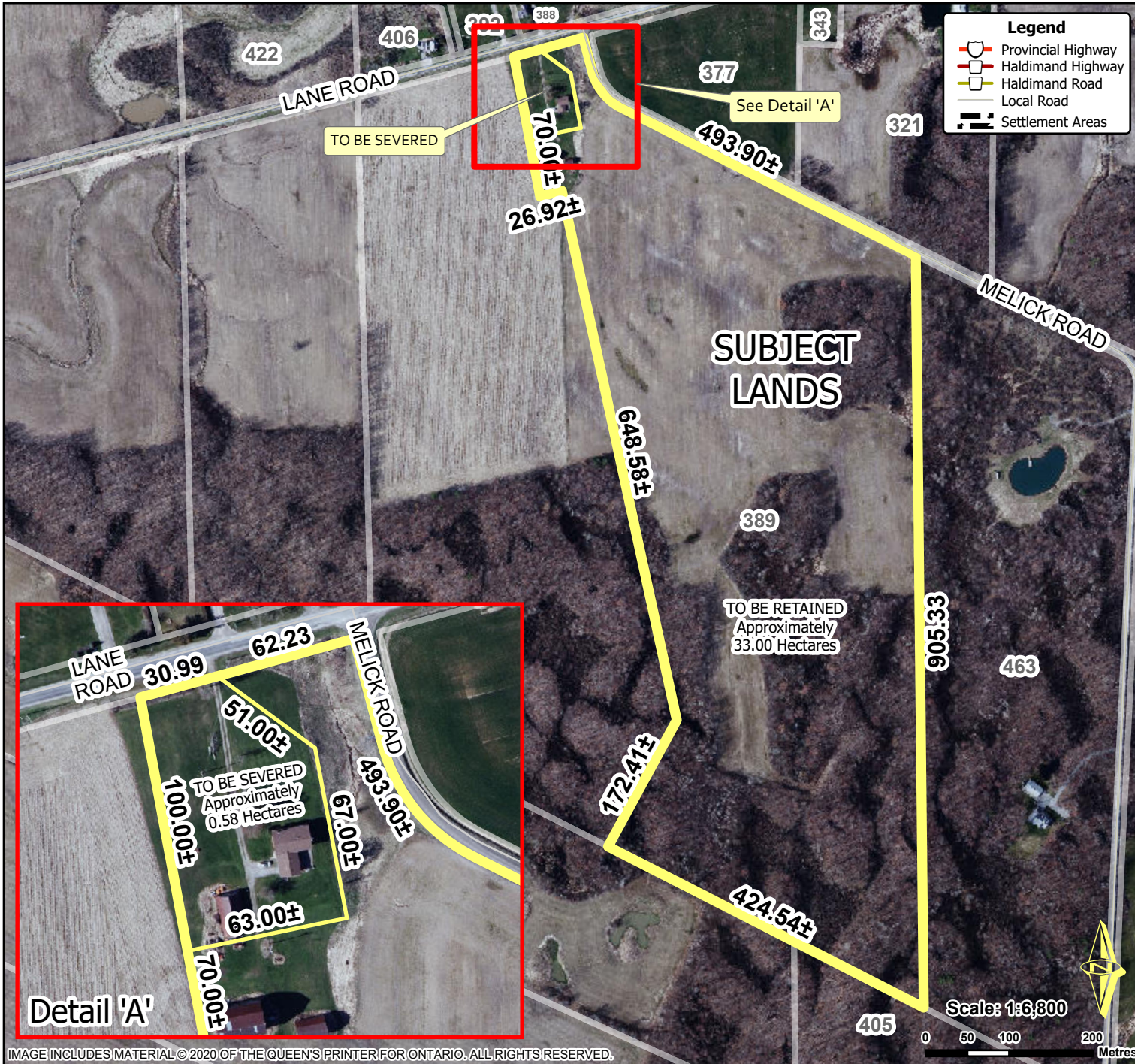
4. Receipt of a road entrance permit for the retained parcels from Roads Operations provided to the Secretary-Treasurer. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. Receipt of approval from the Building & Municipal Enforcement Services Division indicating that the septic system satisfies the *Ontario Building Code*. The submitted septic evaluation was not acceptable; The side yard distance to the Mantle did not satisfy the *Ontario Building Code*. This could mean replacement or modification of the existing septic system. Permits and receipt of approval may be obtained from the County's Building & Municipal Enforcement Services Division at 905-318-5932.

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17th, 2026, after which time this consent will lapse.

File No. PLB-2024-209

Assessment Roll No. 2810.022.001.03700.0000

Location Map FILE #PLB-2024-209 APPLICANT: Tilstra



Location:
389 LANE ROAD
GEOGRAPHIC TOWNSHIP OF CANBOROUGH
WARD 6

Legal Description:
CANBOROUGH CON 2 PT LOT 12

Property Assessment Number:
2810 022 001 03700 0000

Size:
33.58 Hectares

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

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.

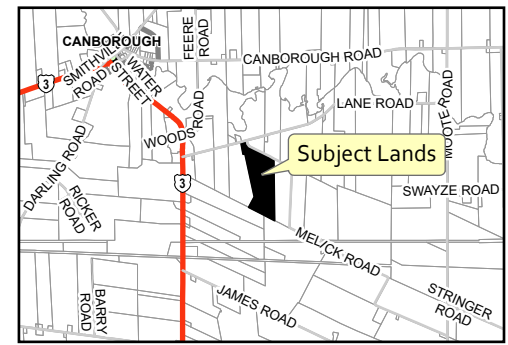
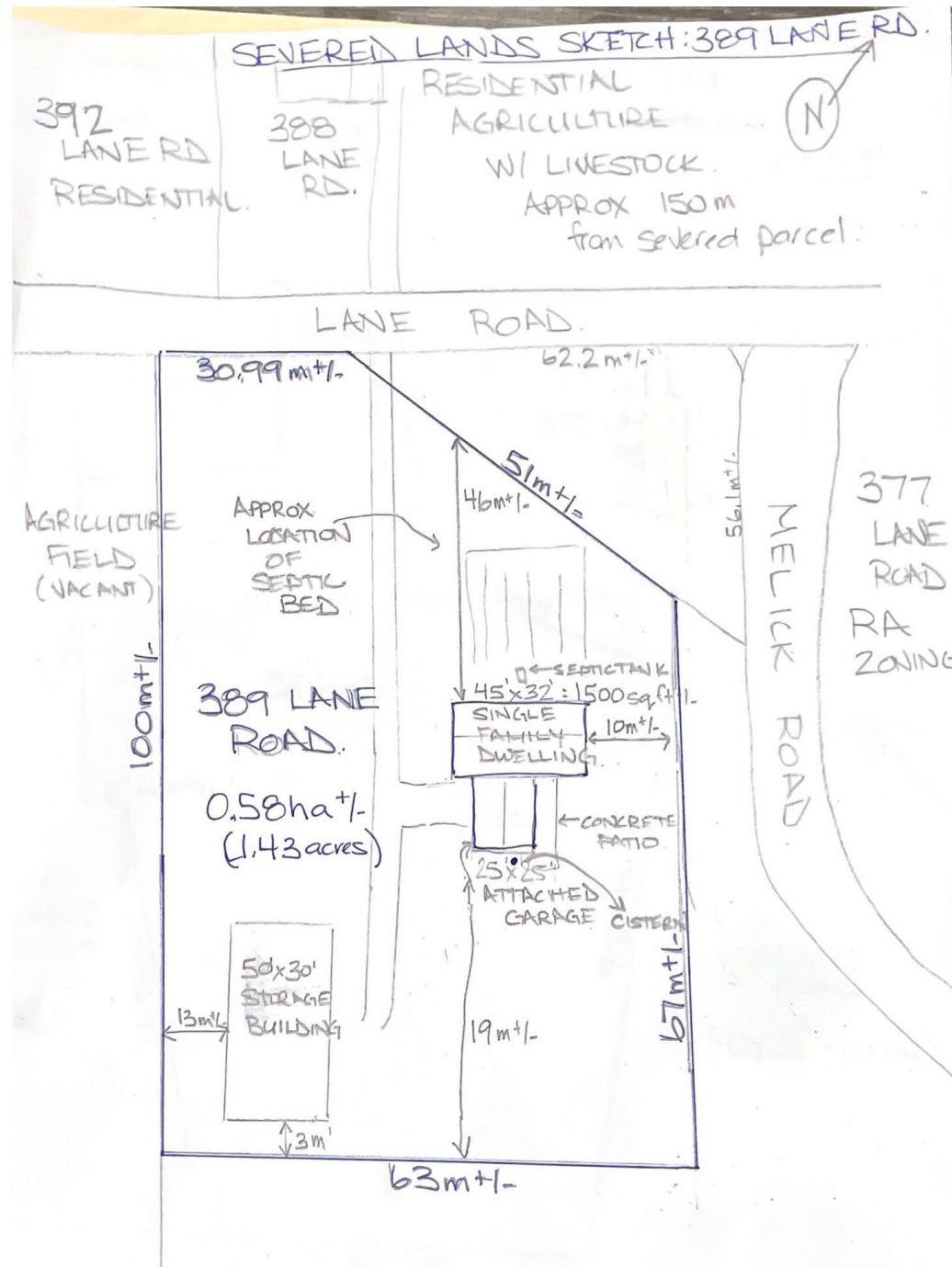


IMAGE INCLUDES MATERIAL © 2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch 1 of 2 FILE #PLB-2024-209 APPLICANT: Tilstra



Owner's Sketch 2 of 2 FILE #PLB-2024-209 APPLICANT: Tilstra



Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-211

Property Roll Number: 2180-023-004-13300-0000

Applicant: Thomas Vis

Agent: No Agent

Property Location: 716 Hutchinson Road, Legally Described as Moulton Concession 3 LE Part Lots 6 to 8

For consideration on: December 17, 2024

Summary

The applicant requests relief from the maximum building height and building area permitted in the "Agriculture (A)" Zone of the Haldimand County Zoning By-law HC 1-2020 to permit a taller and larger residential accessory building on the subject lands. Planning staff recommends approval of this application subject to conditions as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-211 meets the four tests of a minor variance. Therefore, Planning staff recommends approval of the application subject to the following conditions:

- 1) That the accessory building meet all other provisions (setbacks) of the Haldimand County Zoning By-law HC 1-2020 to the satisfaction of Building & Municipal Enforcement Division.
- 2) 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 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.
- 3) That the applicant enter into an agreement with Haldimand County regarding the required partial lot grading plan. Contact Chris Tang, Planner at the Planning & Development Division at 905-318- 5932 ext. 6203 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses section of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.5m	7.9m	1.4m
Accessory Building Area	200m ²	261m ²	61m ²

The applicant is proposing to build a detached accessory building to be used for personal (recreational vehicle) storage purposes on the subject lands. The applicant is requesting relief of the height of building and accessory building area provisions of the “Agriculture (A)” Zone of the Haldimand County HC 1-2020 Zoning By-Law to permit a taller and larger detached accessory building (garage) on the subject lands.

Site Features and Land Use:

The subject lands are located in the geographic township of Moulton, in the prime agricultural area of the County, and front onto the east side of Hutchinson Road. The subject lands are 0.54 hectares (1.34 acres) in size and have a frontage of 73.17 metres (240.06 feet) on Hutchinson Road. The subject lands currently contain a single detached dwelling. The attached Location Map shows a driveway connection for the subject lands as well as into the surrounding farm property, which was used to provide access to a barn on the surrounding farm property (not shown). The driveway connection has been disconnected and removed and the barn in the surrounding farm property has been removed. The surrounding land uses are generally rural residential and agriculture in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

- Spatial separation requirements of OBC are to be met for the proposed structure.
- Ensure interior side yard setback is 1 metre.
- Septic setbacks are to meet the minimum provisions set out in part 8 of the Ontario Building Code (OBC).
- Ensure hydro setback requirements are met.

Planning staff comment: Spatial separation and septic setback requirements are to be addressed as part of the building permit process. The Owner’s Sketch states the minimum side yard setback for an accessory building is 0.7 metres (2.30 feet). The Haldimand County Zoning By-law HC 1-2020 requires a minimum side yard setback of 1 metre (3.28 feet). The application form and owner’s sketch show a setback of 1 metre (3.28 feet). To ensure it is clear that the minimum side yard setback is 1 metre (3.28 feet), a condition of approval relating to such matter has been included. Hydro One has commented that they have no concerns with the application.

Haldimand County Planning & Development Services – Development Technologist:

Partial lot grading plan will be required. Drainage for property is South Hutchinson Municipal Drain.

Haldimand County Emergency Services:

No comments received.

Haldimand County Water and Wastewater Engineering & Compliance:

No Comments received.

Hydro One:

No concerns with application.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

No comments received.

Six Nations:

No comments received.

Public:

No comments received.

Planning Analysis

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

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

Planning staff comment:

The subject lands are designated “Agriculture” in the Haldimand County Official Plan (OP). Single family dwellings and accessory buildings are permitted within the “Agriculture” designation.

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

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

Planning staff comment:

The subject lands are zoned "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020. A single detached dwelling and residential accessory structure are permitted in the "A" Zone.

The applicant is seeking relief from the accessory building height and area provisions of the Zoning By-law in order to construct a taller and larger residential accessory building than is permitted. The applicant proposes an accessory building height of 7.9 metres (~26 feet) whereas 6.5 metres (~21 feet) is permitted and an accessory building area of 261 square metres (~2,809 square feet) whereas 200 square metres (~2,153 square feet) is permitted.

The intent of limiting residential accessory building height and area is to ensure that accessory buildings remain secondary to the principal dwelling on properties and to ensure that they do not negatively impact adjacent lands or the surrounding area. The proposed accessory building is to be used for personal (recreational vehicle) storage, accessory to the residential use on the subject lands. The proposed accessory building will be located to the rear of the subject lands and will be substantially setback from the public road; The location of the accessory building will reduce the visual impact of the height and massing of the accessory building. At the same time, the subject lands are surrounded by farmlands, where tall / large barns are expected. The accessory building is not anticipated to negatively impact adjacent lands or the surrounding area.

It is Planning Staff's opinion that the subject application maintains the general intent of the Zoning By-law.

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

Planning staff comment:

For the reasons listed above, it is the opinion of Planning staff that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

For the reasons listed above, it is opinion of Planning Staff that the subject application is minor.

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

Notice Sign and Applicant Discussion

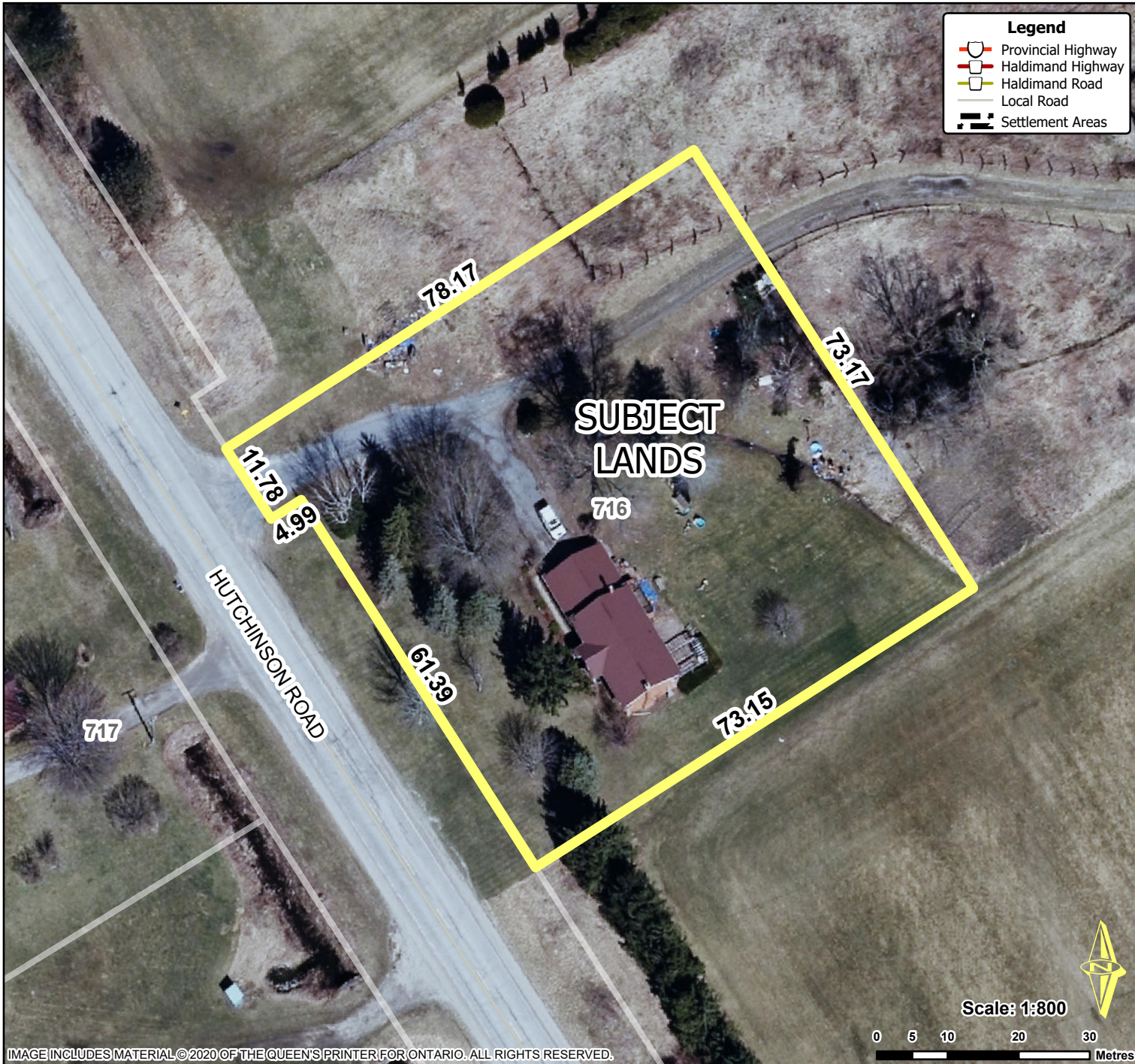
A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 11/14/2024

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

Attachments:

1. Mapping Location
2. Owners Sketch

Location Map FILE #PLA-2024-211 APPLICANT: Vis



Location:
716 HUTCHINSON ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5

Legal Description:
MOULTON CON 3 LE PT LOT 8 RP 18R8061
PART 1

Property Assessment Number:
2810 023 004 13302 0000

Size:
0.542 Hectares

Zoning:
A (Agriculture)

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

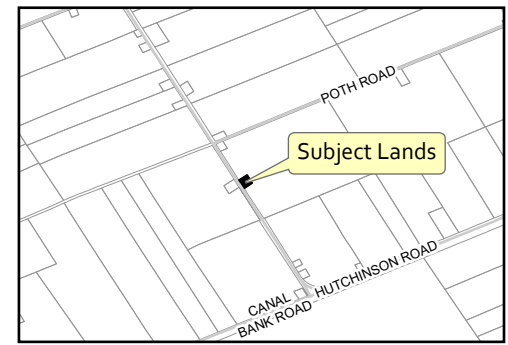
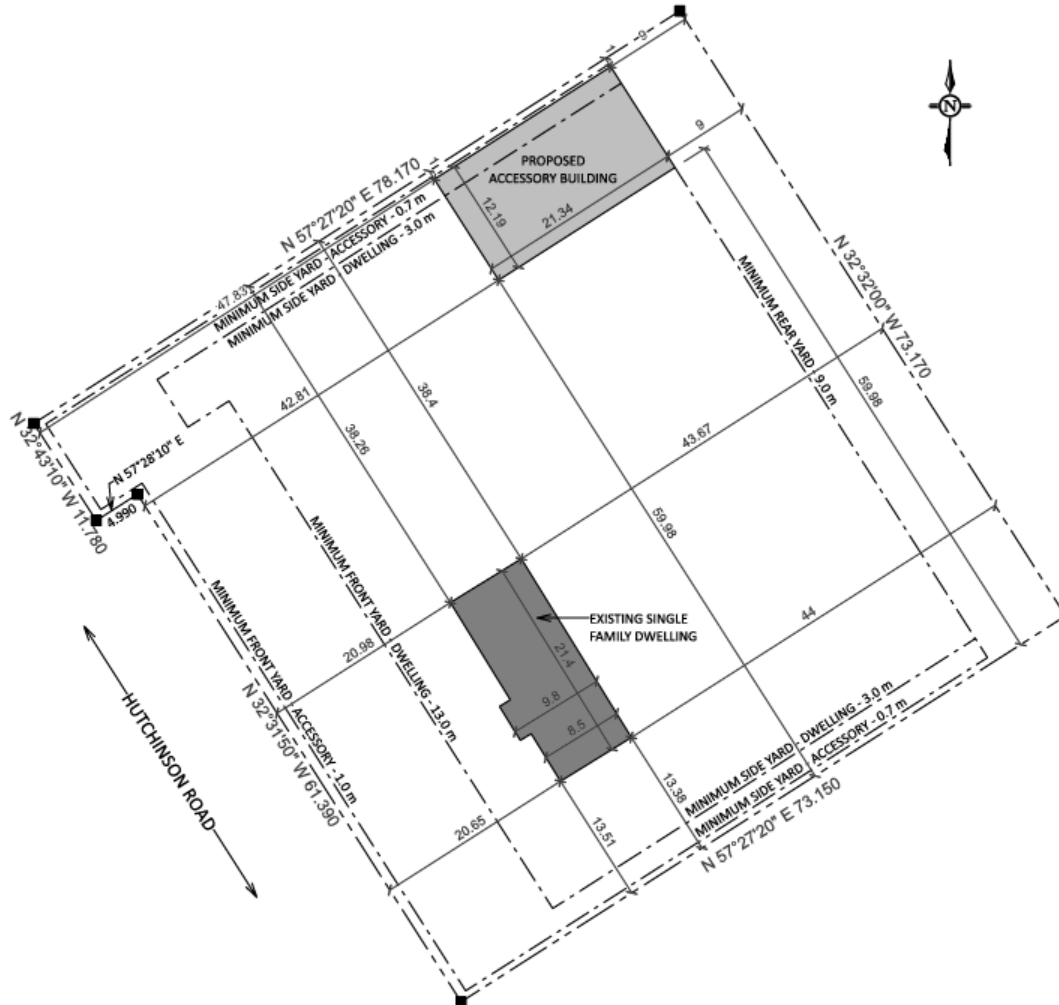


IMAGE INCLUDES MATERIAL © 2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLA-2024-211 APPLICANT: Vis



LEGEND

- DWELLING
- ACCESSORY STRUCTURE
- PROPERTY BOUNDARY
- PROPERTY STAKE
- YARD SETBACK

ALL DIMENSIONS IN METRES
DIMENSIONS AND SCALE
ARE APPROXIMATE

SITE DATA			
	SQ. FT.	SQ. M.	%
LOT AREA	58,254 SQ. FT.	5,412 SQ. M.	
EXISTING LOT COVERAGE	2,013 SQ. FT.	187 SQ. M.	3.46%
PROPOSED ACCESSORY BUILDING AREA	2,800 SQ. FT.	260.13 SQ. M.	4.81%
MAXIMUM ACCESSORY BUILDING AREA	2,153 SQ. FT.	200 SQ. M.	

716 HUTCHINSON RD. LOWBANKS
SCALE: 1:500

- GENERAL NOTES:
1. THESE DRAWINGS ARE THE PROPERTY OF CEDAR SPRINGS LANDSCAPE GROUP AND MAY NOT BE COPIED, IN WHOLE OR IN PART, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF CEDAR SPRINGS LANDSCAPE GROUP.
 2. CEDAR SPRINGS LANDSCAPE GROUP AND THE DESIGNER NOTED BELOW ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS FOUND IN THESE DRAWINGS.
 3. NOTIFY DESIGNER OF ANY MAJOR DISCREPANCIES BEFORE COMMENCING CONSTRUCTION.
 4. THESE DRAWINGS MUST BE SIGNED TO BE VALID FOR BUILDING PERMIT APPLICATION.
 5. THESE DRAWINGS ARE ONLY VALID FOR THE PROPERTY NOTED ON THE DRAWINGS BELOW.
 6. ALL NEW AND EXISTING DIMENSIONS ARE TO BE VERIFIED ON SITE.
 7. DO NOT SCALE DRAWINGS.
 8. ALL CONSTRUCTION PRACTICES AND MATERIALS USED ARE TO COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE.

Municipality of Haldimand
Agriculture and Housing

Ontario

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
REGISTERED CIVIL ENGINEER
REG. NO. 9167, P.E. 3241

JUSTIN TENHAGE
NAME
119026
BCN

SIGNATURE

REGISTRATION INFORMATION
REGISTERED LANDSCAPE ARCHITECT
REG. NO. 9167, P.E. 3241

CEDAR SPRINGS LANDSCAPE GROUP
NAME
119909
BCN

Cedar Springs
LANDSCAPES

905-333-6789
www.cedarsprings.net
3242 South Service Rd W Oakville, ON

CLIENT:
VIS RESIDENCE
716 HUTCHINSON RD.
LOWBANKS, ON

PROJECT:
DETACHED GARAGE

DRAWING TITLE:

DATE: August 17, 2024	PAGE #: 1 OF 1
DRAWN BY: J.T.	

Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-215

Property Roll Number: 2180-023-001-06200-0000

Applicant: Neil Covlin

Agent: No Agent

Property Location: 336 Diltz Road, Legally Described as Plan 3339 Moulton Concession 1 C Part Lot 5

For consideration on: December 17, 2024

MEMORANDUM

Committee of Adjustment Chair and Members,

The Committee of Adjustment first heard Minor Variance application PLA-2024-215 on November 12, 2024. The purpose of this application is to permit a larger residential accessory building on the subject lands than is permitted in the "Agricultural (A)" Zone of the Haldimand County Zoning By-law HC 1-2020. Planning staff recommended approval of this application subject to two conditions because it meets the four test of a minor variance. The Committee deferred this application due to failure to post the public notice sign within the legislated timeline required by the *Planning Act*. An updated public notice sign was posted on the subject lands on November 26, 2024 in accordance with the timeline required by the *Planning Act*. As the sign has now been posted appropriately, Planning staff recommend that this application be approved subject to the following conditions:

- 1) 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 grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development 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.
- 2) That the applicant enter into an agreement with Haldimand County regarding the required partial lot grading plan. Contact Chris Tang, Planner at the Planning & Development Division at 905-318- 5932 ext. 6203 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.
- 3) That all existing accessory structures be removed to the satisfaction of the Building & Municipal Enforcement Division through the building permit process, as they have not been included in the minor variance approval for accessory building area.

The staff report from November 12, 2024 is attached to this memo.

Attachments:

1. Deferred Report Package

Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-215

Property Roll Number: 2180-023-001-06200-0000

Applicant: Neil Covlin

Agent: No Agent

Property Location: 336 Diltz Road, Legally Described as Plan 3339 Moulton Concession 1 C Part Lot 5

For consideration on: November 12, 2024

Summary

The applicant requests relief from the maximum building area permitted in the “Agricultural Zone (A)” of the Haldimand County Zoning By-Law HC 1-2020 to permit a larger residential accessory building on the subject lands. Planning staff recommends approval of this application subject to conditions as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-215 meets the four tests of a minor variance. Therefore, Planning staff recommends approval of the application subject to the following conditions:

- 1) 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.
- 2) That all existing accessory structures be removed to the satisfaction of the Building & Municipal Enforcement Division through the building permit process, as they have not been included in the minor variance approval for accessory building area.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses section of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Accessory Building Area	200m ²	210.54m ²	10.54m ²

The applicant is proposing to build a detached accessory building to be used for storage purposes on the subject lands. The applicant is seeking relief due to the design of the accessory building, which includes a porch with an overhang, which increases the building area. The existing driveway is proposed to extend to the new detached accessory building. All of the existing accessory buildings are proposed to be removed and have not been included in the accessory building area. The removal has been included as a condition of minor variance approval.

Site Features and Land Use:

The subject lands are located in the geographic township of Moulton. More specifically, the subject lands are located north of the urban area of Dunnville and in the prime agricultural area of the County. The subject lands legally front onto the north side of Bird Road and flank the west side of Diltz Road. However, the existing single detached dwelling on the subject lands faces Diltz Road and the subject lands are accessed via a driveway connection to Diltz Road. The subject lands are 0.74 hectares (1.83 acre) in size and have a frontage of 101.8 metres (333.99 feet) on Diltz Road. The subject lands currently contain a single detached dwelling and a number of small accessory buildings, which will be removed. The surrounding land uses are generally rural residential and agricultural in nature.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Any accessory buildings that are currently on subject lands are to be removed prior to the construction of the new accessory building.

Haldimand County Planning & Development Services – Development Technologist:

Partial Grading/Drainage Plan for the proposed detached accessory building and the driveway to show that there will be no negative impacts on the surrounding neighbours, and that the water runoff can drain without any impacts of subject lands or adjacent lands.

It is to be noted that the proposed structure is within Municipal Drain named Van Kuren-Sundy.

Haldimand County Emergency Services:

No comments or concerns with this application.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments received.

Grand River Conservation Authority:

Review took place of application. A portion of the property is regulated by the GRCA. The minor variance application proposes to facilitate the construction of a storage building. The building is located outside of the natural hazard features and the associated allowances; GRCA has no objections of the approval of this minor variance.

Hydro One:

No comments received.

Mississaugas of the Credit:

No comments received.

Six Nations:

No comments received.

Public:

No comments received.

Planning Analysis

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

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

Planning staff comment:

The subject lands are designated “Agriculture” in the Haldimand County Official Plan (OP). Single family dwellings and accessory structures are permitted within the “Agriculture” designation.

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

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

Planning staff comment:

The subject lands are zoned “Agriculture (A)” Zone in the Haldimand County Zoning By-law HC 1-2020. A single detached dwelling and residential accessory buildings are permitted in the “A” Zone.

The applicant is seeking relief from the Accessory Uses, Buildings and Structures to Residential Uses section of the Zoning By-law to permit a larger accessory building area. The applicant proposes an accessory building area of 210.54 square metres (2,266.23 square feet) whereas 200 square metres (2,152.78 square feet) is permitted. The applicant informed Planning Staff that the other small accessory structures on the subject lands will be removed. The small accessory buildings have not been included in the overall accessory building area and therefore, their removal has been included as a condition of approval. The proposed accessory building is expected to provide personal storage space and to clean up the subject lands.

The intent of limiting residential accessory building area is to ensure that accessory buildings remain secondary or accessory to the principle dwelling on properties and to ensure that they do not negatively impact adjacent properties and the surrounding area. The proposed accessory building is to be used for personal storage, accessory to the residential use on the subject lands. The proposed accessory building will make up less than three percent (3%) of the lot coverage for the subject lands. The proposed accessory building will be secondary and accessory to the principle dwelling on the subject lands.

Further, the proposed accessory building is proposed to be located at the back of the subject lands and there is vegetation on and surrounding the subject lands. The proposed accessory building will be well screened from the neighbouring properties and from the streets. The proposed accessory building area approximates the maximum accessory building area, being only one percent (1%) larger than permitted. Given the proposed use of the accessory building and the location, screening, and the minor relief requested, the accessory building is not expected to be obtrusive to the adjacent properties and surrounding area.

It is Planning Staff's opinion that the subject application maintains the general intent of the Zoning By-law.

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

Planning staff comment:

For the reasons listed above, it is Planning Staff's opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

For the reasons listed above, it is Planning Staff's opinion that the subject application is minor.

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

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 10/16/2024

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

Attachments:

1. Map Location
2. Owners Sketch

Location Map FILE #PLA-2024-215 APPLICANT: Covlin



Location:
336 DILTZ ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5

Legal Description:
PLAN 3339 MLT CON 1 C PT LOT 5

Property Assessment Number:
2810 023 001 06200 0000

Size:
0.74 HECTARES

Zoning:
A (Agricultural), GRCA 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.

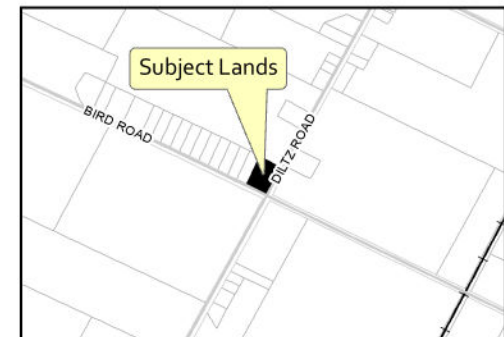
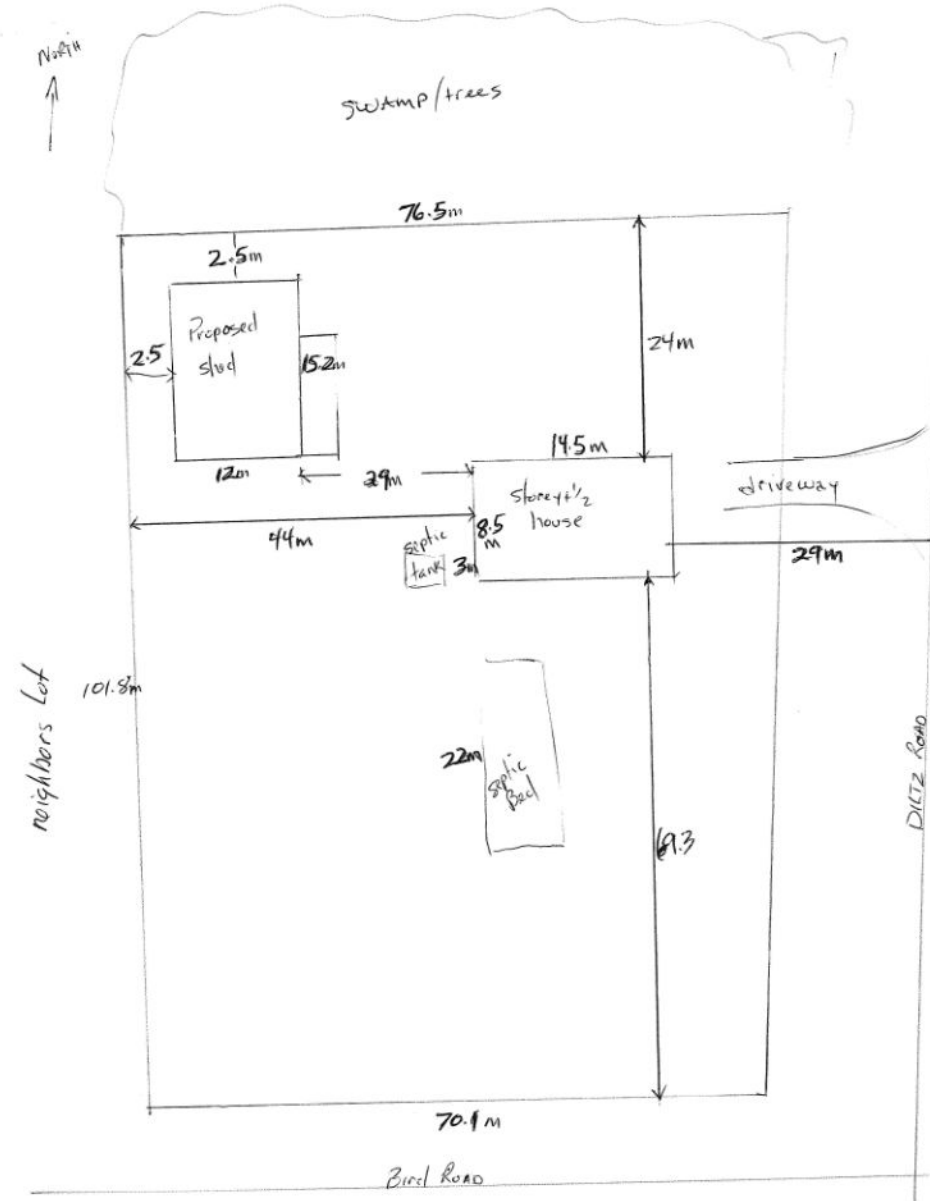


IMAGE INCLUDES MATERIAL ©2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLA-2024-215 APPLICANT: Covlin



Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-235

Property Roll Number: 2180-022-002-17200-0000

Applicant: Patrick and Pam Hague

Agent: No Agent

Property Location: 349 Haldimand Road 17, Legally Described as CAN TRACT DOCHSTADER PT LOT 8 RP 18R1827 PARTS 1 TO 3

For consideration on: December 17, 2024

Summary

The applicant requests relief from the maximum building height and building area permitted in the "Agriculture (A)" Zone of the Haldimand County Zoning By-law HC 1-2020 to permit a taller and larger residential accessory building area on the subject lands. Planning staff recommends approval of this application subject to conditions as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-235 be approved as it meets the four tests of a minor variance. Therefore, Planning staff recommends approval of the application subject to the following conditions:

- 1) 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 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.
- 2) That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact Chris Tang, Planner at the Planning & Development Division at 905-318-5932 ext. 6203 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses section of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.50m	7.01m	0.51m
Accessory Building Area (Cumulative)	100m ²	142.70m ²	42.70m ²

The applicant is proposing to build a detached accessory building to be used for personal storage purposes on the subject lands. The accessory building is proposed to be 7.01 metres (23 feet) tall and have an area of 111.42 square metres (1,200 square feet). The applicant is requesting relief of the height of building provision of the “Agricultural (A)” Zone of the Haldimand County Zoning By-law to permit a taller detached accessory building (garage) on the subject lands. The applicant is also requesting relief of the accessory building area to permit the construction of a detached accessory building in addition to the existing accessory buildings on the subject lands, including three (3) sheds and a Quonset hut. The accessory building area is cumulative such that all existing and proposed accessory buildings need to be accounted in the accessory building area.

Site Features and Land Use:

The subject lands are located in the geographic township of Canborough and front onto the south side of Haldimand Road 17. The subject lands are located west of Dunnville, in the prime agricultural area of the County. However, the subject lands are located within a small row of existing rural residential lots that back onto the Grand River. The subject lands are 0.34 hectares (0.84 acres) in size and have a frontage of 27.43 metres (~90 feet) on Haldimand Road 17. The subject lands currently contain a single detached dwelling, three (3) sheds, a Quonset hut, and a gazebo. The surrounding land uses are generally rural residential and agriculture in nature.

Existing Intensive Livestock Operations:

Not Applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Ensure a minimum horizontal setback of 4.8 meters from the overhead power lines to the structure is met.

Structure must be 5 meters away from sewage system distribution piping and leaching chambers.

Call for locates before digging.

Haldimand County Planning & Development Services – Development Technologist:

Partial grading plan is required.

Planning staff comment: A partial grading plan has been included as a condition of approval.

Haldimand County Emergency Services:

No comments received.

Grand River Conservation Authority:

The subject property contains floodplain and slope erosion hazards associated with the Grand River and Lake Erie flood hazard; the property is regulated by GRCA under Ontario Regulation 41/24. GRCA staff have reviewed the application and the proposed development is not within the regulated area. Therefore GRCA has no concerns with the minor variance application.

Hydro One:

No concerns with application.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

No comments received.

Six Nations:

No comments received.

Public:

No comments received.

Planning Analysis

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

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

Planning staff comment:

The subject lands are designated “Agriculture” in the Haldimand County Official Plan (OP). Single family dwellings and accessory buildings are permitted within the “Agriculture” designation.

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

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

Planning staff comment:

The subject lands are zoned “Agriculture (A)” Zone in the Haldimand County Zoning By-law HC 1-2020. A single detached dwelling and accessory buildings are permitted in the “A” Zone.

The applicant is seeking relief from the accessory building height and area provisions of the Zoning By Law in order to construct a taller and larger residential accessory building than is permitted and to account for the existing accessory buildings on the subject lands. The applicant proposes an accessory building height of 7.01 metres (23 feet) whereas 6.5 metres (~21 feet) is permitted. The applicant also proposes a cumulative accessory building area of 142.70 square metres (1,536 square feet) whereas 100 square metres (~1,076 square feet) is permitted for all accessory buildings. The proposed accessory building is expected to be used for a personal shop and storage space.

The intent of limiting residential accessory building height and area is to ensure that accessory buildings remain secondary or accessory to the principal dwelling on properties and to ensure that they do not negatively impact adjacent lands or the surrounding area. The proposed accessory structure is to be used for a personal shop and storage, accessory to the residential use on the subject lands.

In terms of building height, the proposed accessory building is setback at least 30 metres (~98 feet) from the road. While the accessory building is located along the south (left) interior side yard, the abutting lot to the south (335 Haldimand Road 17) is a substantially large rural residential lot, with the dwelling and accessory buildings located within the center of the lot. Therefore, the height of the accessory building is not expected to impact the surrounding area (streetscape) or the abutting lot.

In terms of building area, the Zoning By-law accounts for the cumulative total of all accessory buildings on lots. While the proposed accessory building has an area of 111.42 square metres (1,200 square feet), the existing accessory buildings bring the total building area up to 142.70 square metres (1,536 square feet).

The Zoning By-law also sets out two (2) maximum accessory building areas for the “A” Zone depending on the size of the lots. For lots smaller than 0.4 hectares (~1 acre), the maximum permitted accessory building area is 100 square metres (~1,076 square feet) and for lots larger than 0.4 hectares (~1 acre), the maximum permitted accessory building area is 200 square metres (~2,153 square feet). The Zoning By-law does not set out a sliding scale for lots between 0 and 0.4 hectares (~1 acre). However, it is appropriate to contemplate through a Minor Variance application a sliding scale for lots within this range. The subject lands are approximately 0.34 hectares (0.84 acres) in size and the proposed accessory building approximates the maximum permitted building area. The size of the subject lands is large enough to accommodate the proposed cumulative accessory building area without negatively impacting the adjacent lands or the character of surrounding area.

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

Planning staff comment:

For the reasons listed above, it is Planning Staff’s opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

For the reasons listed above, it is Planning Staff's opinion that the subject application is minor. The subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

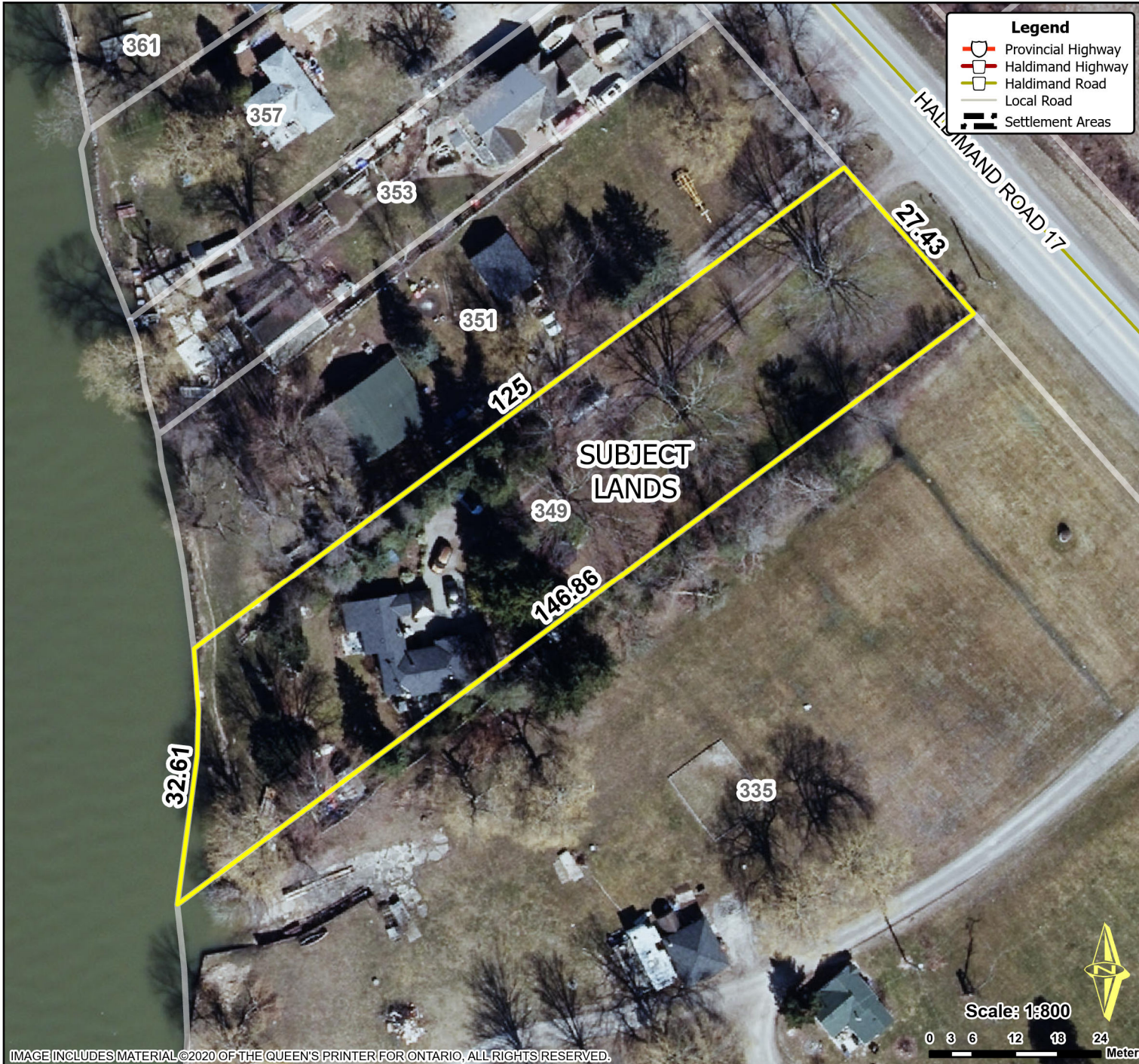
A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 11/27/2024

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

Attachments:

1. Location Map
2. Owner Sketch

Location Map FILE #PLA-2024-235 APPLICANT: Hauge



Location:
349 HALDIMAND ROAD 17
GEOGRAPHIC TOWNSHIP OF CANBOROUGH
WARD 6

Legal Description:
CAN TRACT DOCHSTADER PT LOT 8
RP 18R1827 PARTS 1 TO 3

Property Assessment Number:
2810 022 002 17200 0000

Size:
0.34 HECTARES

Zoning:
A (Agricultural), GRCA (Regulated Lands)
HCOP (Riverine Hazard Lands,
HCOP (Natural Environment Wetland Area)

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

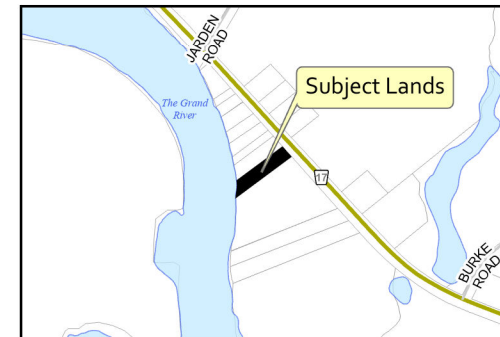
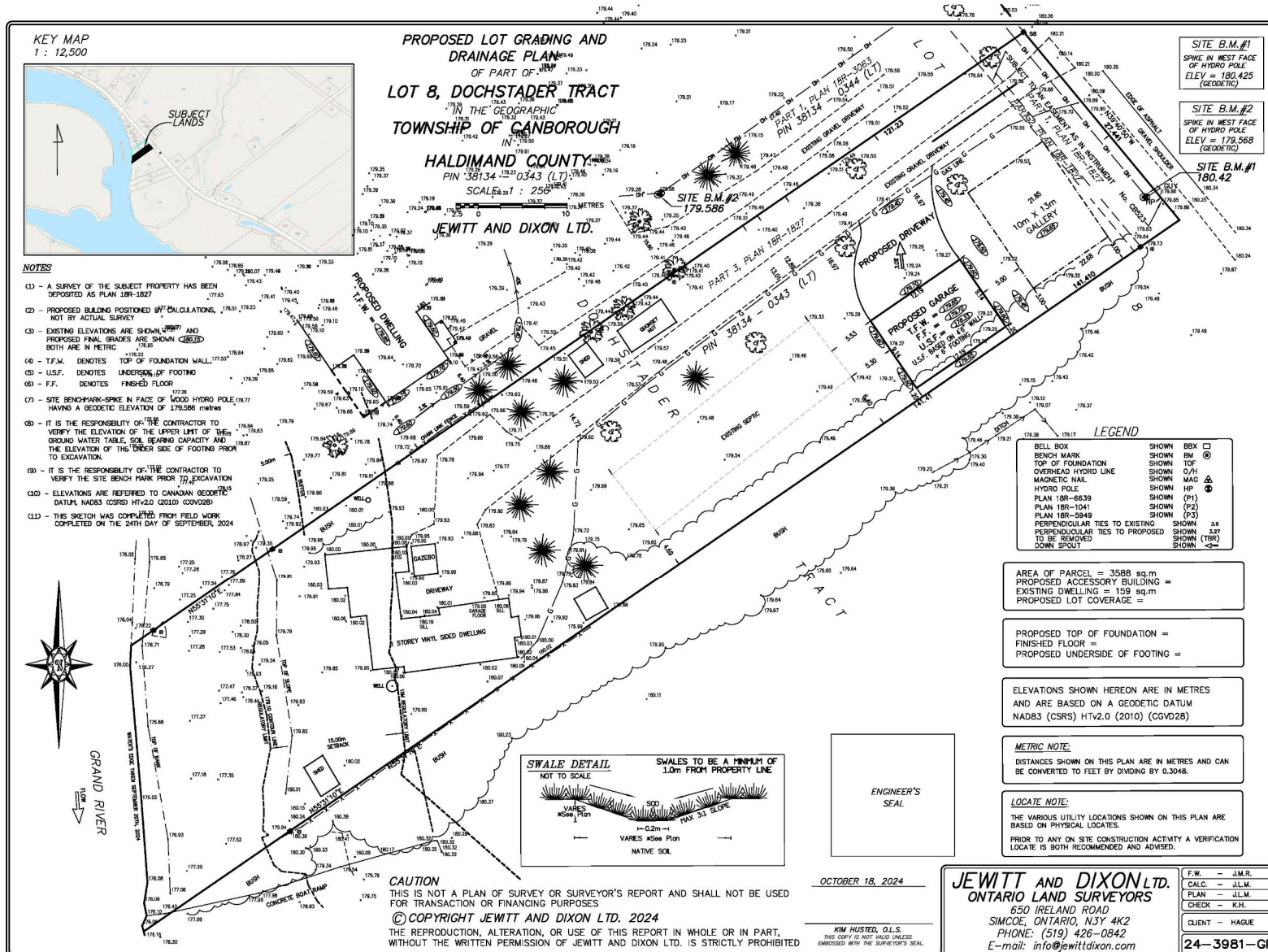


IMAGE INCLUDES MATERIAL ©2020 OF THE QUEEN'S PRINTER FOR ONTARIO, ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLA-2024-235 APPLICANT: Hauge



Haldimand County Committee of Adjustment

Minor Variance



File Number: PLA-2024-240

Property Roll Number: 2180-155-001-07804-0000

Applicant: Trevor McPherson and Cynthia McPherson

Agent: Willik Homes Ltd.

Property Location: No municipal address, Legally Described as North Cayuga Con 1 NTR Pt Lot 42 RP 18R8069 Part 1

For consideration on: December 17, 2024

Summary

The applicant is requesting relief from the maximum accessory building size within the “Hamlet Residential (RH)” Zone of the Haldimand County Zoning By-Law HC 1-2020 to permit an oversized residential accessory structure (detached garage) on the subject lands that exceeds the maximum size permitted in the zone. Planning staff recommends approval of this application as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-240 be approved. The application meets the four tests of a minor variance.

Prepared by: Mark Andrews, M.A., MCIP, RPP, Senior Planner

Reviewed by: Krystina Wheatley, Supervisor, Planning & Development

Details of the Submission:

Proposal: Relief is requested from Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses) of Zoning By-law HC 1-2020 as follows:

Development Standard	Required	Proposed	Deficiency
Accessory Building Area	100 m ² (1,076.4 ft ²)	139 m ² (1,496.2 ft ²)	39 m ² (419.8 ft ²)

The applicant is proposing to build an oversized residential accessory structure (detached garage with covered patio area) on the subject lands. The applicant is seeking relief due to the

design of the accessory building, which includes a covered patio with an overhang, which increases the building area.

Site Features and Land Use:

The subject lands are located in the historical geographic township of North Cayuga, and more specifically, the Hamlet of Decewsville. The subject lands were created through a previous Consent application (File PLB-2022-125) and front onto the west side of Decewsville Road. The subject lands have no municipal address. The subject lands have an area of 0.24 hectares (0.59 acre) with a frontage of 31.84 metres (104.5 feet) on Decewsville Road. The surrounding land uses are generally rural residential and agricultural in nature.

The subject lands contain a recently constructed accessory structure; the same accessory structure subject to this Minor Variance application. A single detached dwelling is currently under construction on the subject lands.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Building to be a minimum horizontal distance of 4.8 meters from overhead power lines.

Ensure the grading is sloped away from building.

Planning staff comment: Hydro One has reviewed the application and has no concerns. A lot grading plan has been accepted by the Development Technologist.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns. The lot grading plan was accepted by the Development Technologist on June 12, 2024.

Haldimand County Emergency Services:

No comments received.

Hydro One:

Hydro One has no concerns regarding this application.

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 “Hamlet” in the Haldimand County Official Plan (OP). Single family dwellings and accessory structures are permitted within the “Hamlet” designation, subject to the development criteria.

It is Planning staff’s opinion that the subject application conforms to the intent of the OP.

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

Planning staff comment:

The subject lands are zoned “Hamlet Residential (RH)” Zone in the Haldimand County Zoning By-law HC 1-2020. A single detached dwelling and residential accessory structures are permitted in the “RH” Zone. The applicant is seeking relief from Section 4.2 (Accessory Uses, Buildings and Structures to Residential Uses) of the Zoning By-law to permit an oversized accessory structure. The applicant proposes an accessory building area of 139 m² (1,496.2 ft²) whereas 100 m² (1,076.4 ft²) is permitted.

The intent of limiting residential accessory building area is to ensure that accessory buildings remain subordinate and accessory to the principle use (i.e., single dwelling) on properties and to ensure that they do not negatively impact adjacent properties and the surrounding area. The accessory structure encompasses approximately 5.8% of the total lot coverage for the subject lands. The interior accessory structure space is 98 square metres (~1,055 ft²), which is an appropriate interior area for a rural residential accessory structure, with the covered patio with an overhang making up the rest of the area. The accessory structure will remain subordinate and accessory to the principle use (i.e., single dwelling) on the subject lands and will also allow for a covered patio.

Further, the accessory structure is located in the rear of the subject lands and is not visible from the street. Given the proposed use of the accessory structure, the design of the accessory structure (including the covered patio), the location in the rear yard, and the minor relief requested, the accessory structure is not expected to negatively impact the adjacent properties and surrounding area.

As noted above, the accessory structure has been constructed ahead of the primary structure (i.e., single detached dwelling). However, Building Permits have recently been issued for the single detached dwelling and the home is currently under construction. The Haldimand County Zoning By-law HC 1-2020 requires that the main building (single detached dwelling) be constructed before or at the same time as the accessory structure. However, Building Permits have recently been issued for the single detached dwelling, which is currently under construction. Accordingly, Planning and Building do not have any concerns with the accessory structure being constructed first in this particular instance. The applicant also applied for Building Permits for the accessory structure but they could not be issued due to non-compliance with the Zoning By-law; if this Minor Variance application is approved, Building Permits will be issued for the accessory structure.

It is Planning Staff's opinion that the subject application maintains the general intent of the Zoning By-law.

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

Planning staff comment:

For reasons aforementioned above, it is Planning Staff's opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

For reasons aforementioned above, it is Planning Staff's opinion that the subject application is minor.

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

Notice Sign and Applicant Discussion

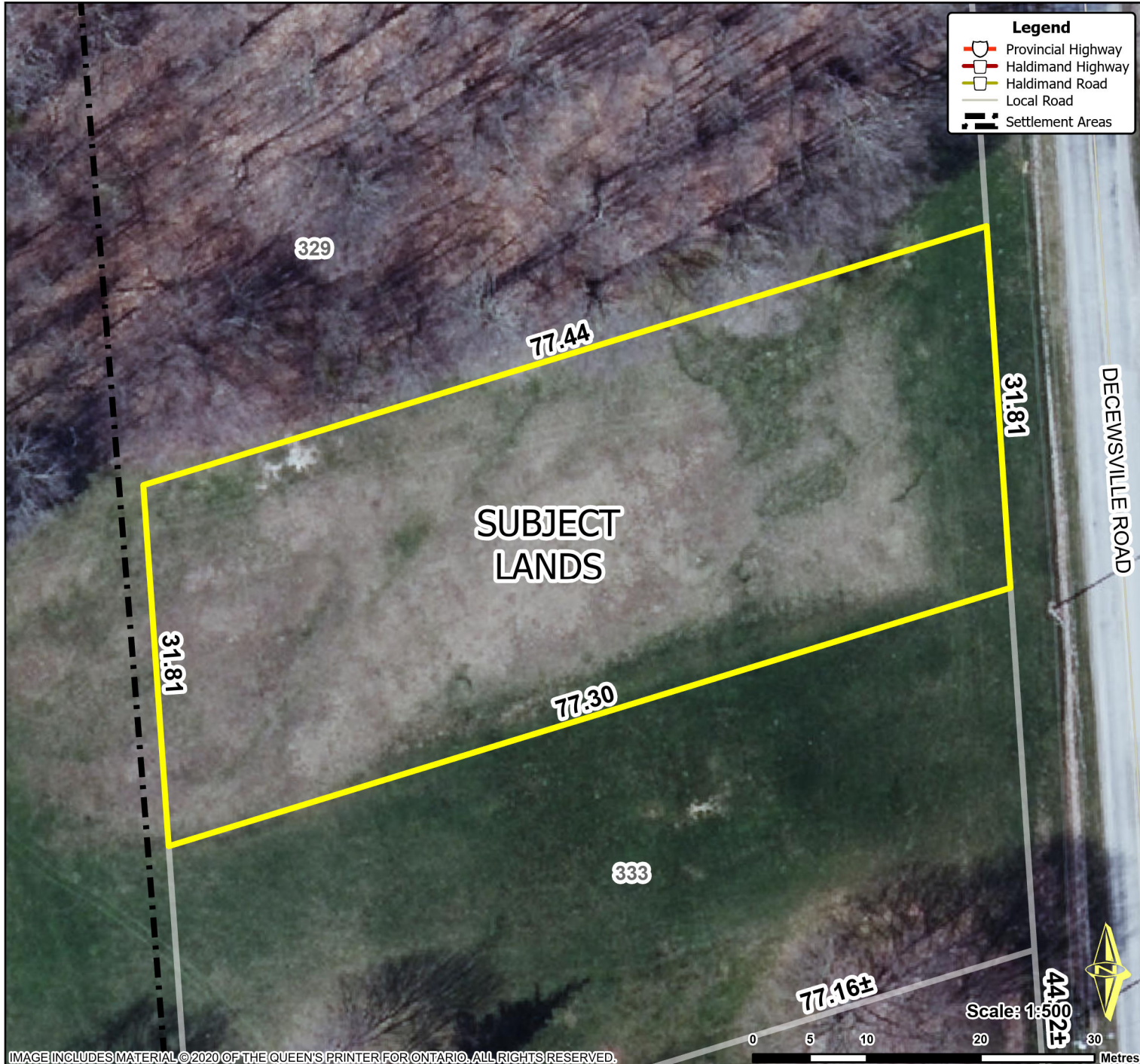
A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 11/7/2024

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

Attachments:

1. Location Map
2. Owners Sketch

Location Map FILE #PLA-2024-240 APPLICANT: McPherson



Legend

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

Location:
**DECEWVILLE ROAD
 GEOGRAPHIC TOWNSHIP OF
 NORTH CAYUGA
 WARD 4**

Legal Description:
**NORTH CAYUGA CON 1 NTR PT LOT 42
 RP 18R8069 PART 1**

Property Assessment Number:
2810 155 001 07804 0000

Size:
Approximately 0.24 Hectares

Zoning:
RH (Hamlet Residential)

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.

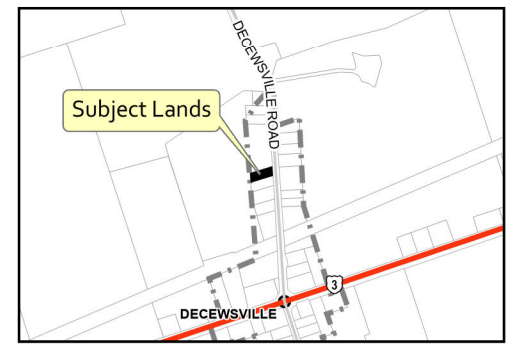
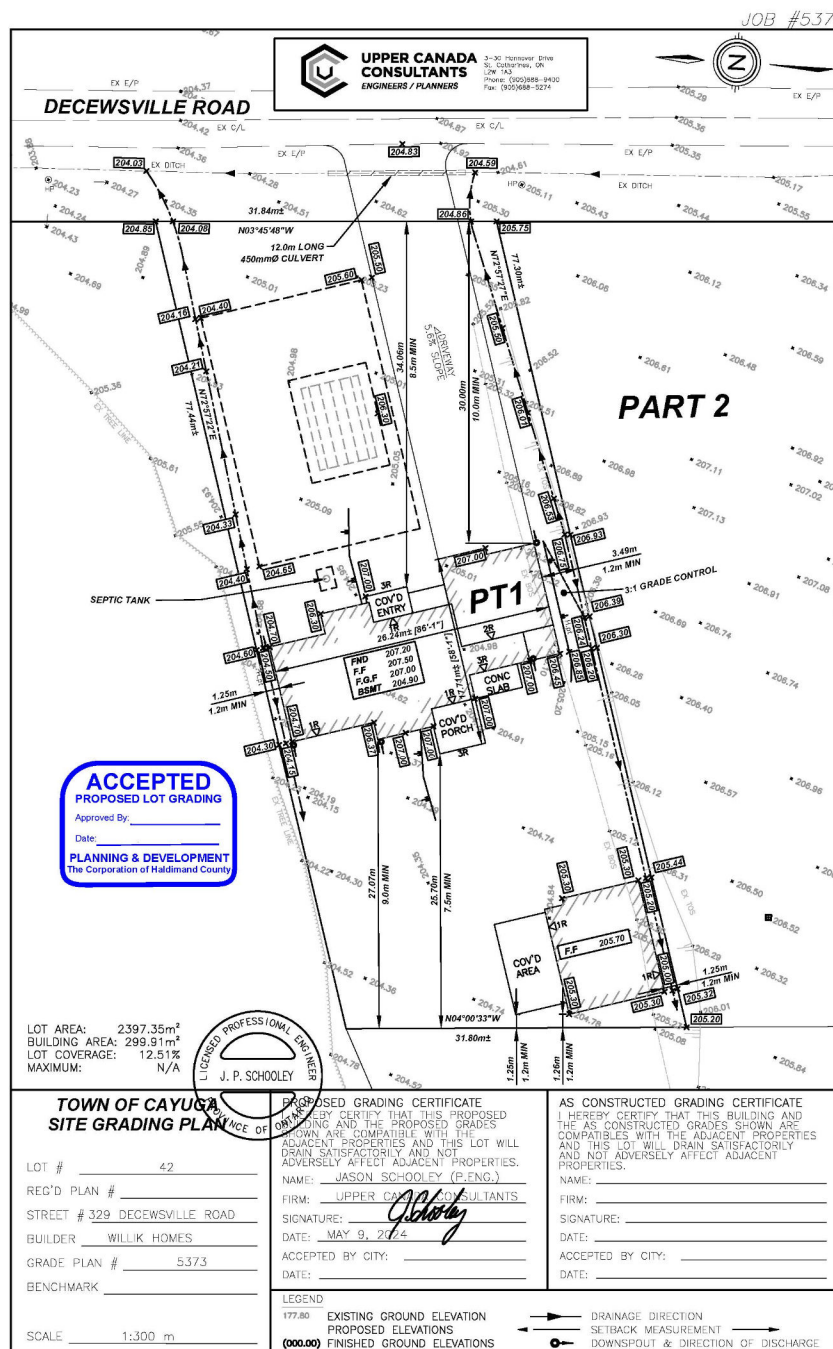


IMAGE INCLUDES MATERIAL ©2020 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLA-2024-240 APPLICANT: McPherson



HALDIMAND COUNTY

Report Committee of Adjustment Hearing Schedule - 2025

For Consideration by Committee of Adjustment on December 17, 2024



OBJECTIVE:

To establish a schedule for Committee of Adjustment and Property Standards Committee, and Muzzle Orders meetings for the 2025 calendar year.

RECOMMENDATIONS:

1. THAT Report Committee of Adjustment Hearing Schedule – 2025 be received;
2. AND THAT the Committee of Adjustment Schedule, included as Attachment 1 to Report Committee of Adjustment Hearing Schedule- 2025, be approved for the 2025 calendar year.

Prepared by: Jassie Cleaver, Secretary Treasurer

Respectfully reviewed and submitted by: Krystina Wheatley, Acting Supervisor of Planning & Development

Approved: Shannon VanDalen MCIP, RPP., Manager of Planning & Development

EXECUTIVE SUMMARY:

To provide the monthly schedule for Committee of Adjustment meetings for review and approval relating to the delegated approval for the following matters:

- Consider applications under the *Planning Act*, R.S.O. 1990, Chapter P. 13 for consent, minor variances, and validation of titles;
- Consider variances to the County's Sign By-law
- Consider appeals to the Property Standards By-law;
- Consider appeals for the Muzzle Orders;

ANALYSIS

The Committee of Adjustment is authorized by the Ontario Planning Act to grant severances through consent or severance applications, and minor variances from provisions of the Zoning By-law; additionally the Committee has been delegated authority relating to the Property Standards By-law; Muzzle Orders and Sign By-law considerations.

The Committee is independent of County Administration, comprised of Haldimand County residents and appointed by Council. The term of the Committee runs with the term of the Council.

Through the Committee of Adjustment Procedure By-law, meetings of Committee of Adjustment take place at starting at 9:00am, one Tuesday of every month with all meetings being open to the public. This report is to present the 2025 schedule for Committees review and approval for implementation.

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENT

1. Proposed 2025 Committee of Adjustment Schedule.

Council

Tuesday, December 17, 2024

Committee of Adjustment

Date and Time: Tuesday, December 17 9:00 am

Tuesday, January 21, 2025

Committee of Adjustment

Date and Time: Tuesday, January 21 9:00 am

Tuesday, February 18, 2025

Committee of Adjustment

Date and Time: Tuesday, February 18 9:00 am

Tuesday, March 25, 2025

Committee of Adjustment

Date and Time: Tuesday, March 25 9:00 am

Tuesday, April 22, 2025

Committee of Adjustment

Date and Time: Tuesday, April 22 9:00 am

Tuesday, May 27, 2025

Date and Time: Tuesday, May 27 9:00 am

Tuesday, June 24, 2025

Committee of Adjustment

Date and Time: Tuesday, June 24 9:00 am

Tuesday, July 22, 2025

Committee of Adjustment

Date and Time: Tuesday, July 22 9:00 am

Tuesday, August 19, 2025

Committee of Adjustment

Date and Time: Tuesday, August 19 9:00 am

Tuesday, September 23, 2025

Committee of Adjustment

Date and Time: Tuesday, September 23 9:00 am

Tuesday, October 21, 2025

Committee of Adjustment

Date and Time: Tuesday, October 21 9:00 am

Tuesday, November 25, 2025

Date and Time: Tuesday, November 25 9:00 am

<https://events.haldimandcounty.ca>