



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019

FILE NO: PLB-2019-124

PROPERTY ROLL NO: 2810-023-003-12400

APPLICANT: Kaye Barrick

AGENT: Kathleen & Brian Dolce

PROPERTY LOCATION: Lots 7 & 8, Concession 1 from Lake Erie, Geographic Township of Moulton, 2643 Northshore Drive

PROPOSAL: The applicant proposes to sever a parcel of land approximately 27.4 metres by 34.46 metres to be purchased and used for beach access by the property owners located at 2649 North Shore Drive.

RECOMMENDATION:

That proposal PLB-2019-124, in the name of Kay Barrick, is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, and conforms to the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU 80; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal conforms to the Official Plan.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: No new development is proposed. The proposal conforms to the Town of Haldimand Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are a long, narrow strip of vacant land located between North Shore Drive and Lake Erie in the Hamlet of Lowbanks. No new development is proposed.

SURROUNDING LANDS:

NORTH – Residential and agricultural

EAST – Residential

WEST – Residential and institutional (Fire Station)

SOUTH – Lake Erie

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: No requirements.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No requirements.

NIAGARA PENINSULA CONSERVATION AUTHORITY: No objection

MISSISSAUGAS OF THE NEW CREDIT: Comment not received.

SIX NATIONS: Comment not received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING STAFF COMMENTS:

The subject lands stretch in front of 2637, 2639, 2643, and 2649 North Shore Drive, on the south side of North Shore Drive. The subject lands are currently owned by the property owners at 2643 North Shore Drive, and they provide lakeshore access for this property. The purpose of this consent application is to sever a portion of the subject lands (in front of 2649 North Shore Drive) to create a beach access lot for 2649 North Shore Drive. If approved, the retained lands will continue to stretch in front of 2637, 2639, and 2643 North Shore Drive.

The Haldimand County Official Plan (OP) permits severances for non-agriculturally designated lands situated between the roads along the lakeshore and Lake Erie for lake access purposes, subject to the following requirements:

- a) The lands being severed are not suitable for development due to size, configuration and/or topography; and

Planning Comment: The proposed lot size is 731.58 square metres, with approximately one third of the lot area currently located underwater. The proposed lot size is smaller

than the Zoning By-law permits for rural residential development. Also, the proposed lot is generally lower than the road and is subject to flooding.

- b) The lands are zoned in a manner that prohibits new development and identified the use as for access purposes only;

Planning Comment: The subject lands are zoned 'Hazard Lands (HL)' Zone, which prohibits most forms of development, including residential.

- c) If the property created for lake access purposes is for a property or properties located in the vicinity, the title of the property for lake access purposes should be tied to said property or properties.

Planning Comment: A condition of approval has been included to ensure the lake access lot is tied to the 2649 North Shore Drive.

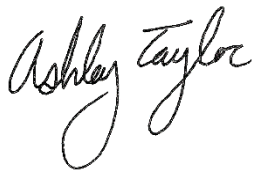
Also, the HL Zone does not require a minimum lot frontage or size. As such, the proposal conforms to the Zoning By-law requirements.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, and conforms to the Haldimand County Official Plan and Town of Dunnville Zoning By-law 1-DU 80; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The public notice sign was posted during site inspections on August 14, 2019 in accordance with the *Planning Act*.

Prepared by:



Ashley Taylor, RPP, M.Pl
Planner

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 of \$350.00 and a fee of \$294.00 for deed stamping.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. That the owner's solicitor provide confirmation, to the satisfaction of the Planning & Development Division, that the severed lands will be tied to the benefiting lands on the north side of the road to ensure the severed lands and the benefiting lands, if conveyed in the future, are conveyed together.
4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 27.4 metres by 34.46 metres. Also, **prior to deed stamping**, 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 lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 10, 2020, after which time this consent will lapse.

File No. PLB-2019-124
BARRICK, Kaye
Assessment Roll No. 2810-023-003-12400

Location Map FILE #PLB-2019-124 APPLICANT: Barrick



Location:

**2643 NORTH SHORE DRIVE
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5**

Legal Description:

MOULTON CON 1 LE PT LOTS 7 & 8

Property Assessment Number:

2810 023 003 12400 0000

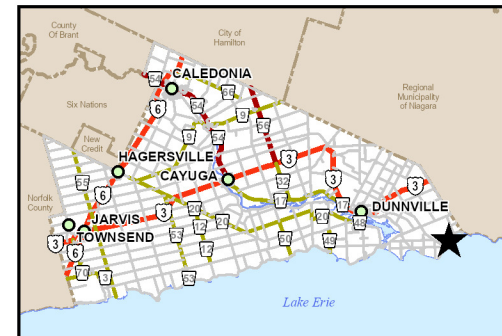
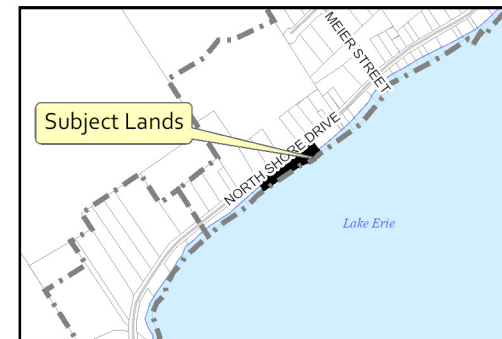
Size:

Approximately 0.95 Acres

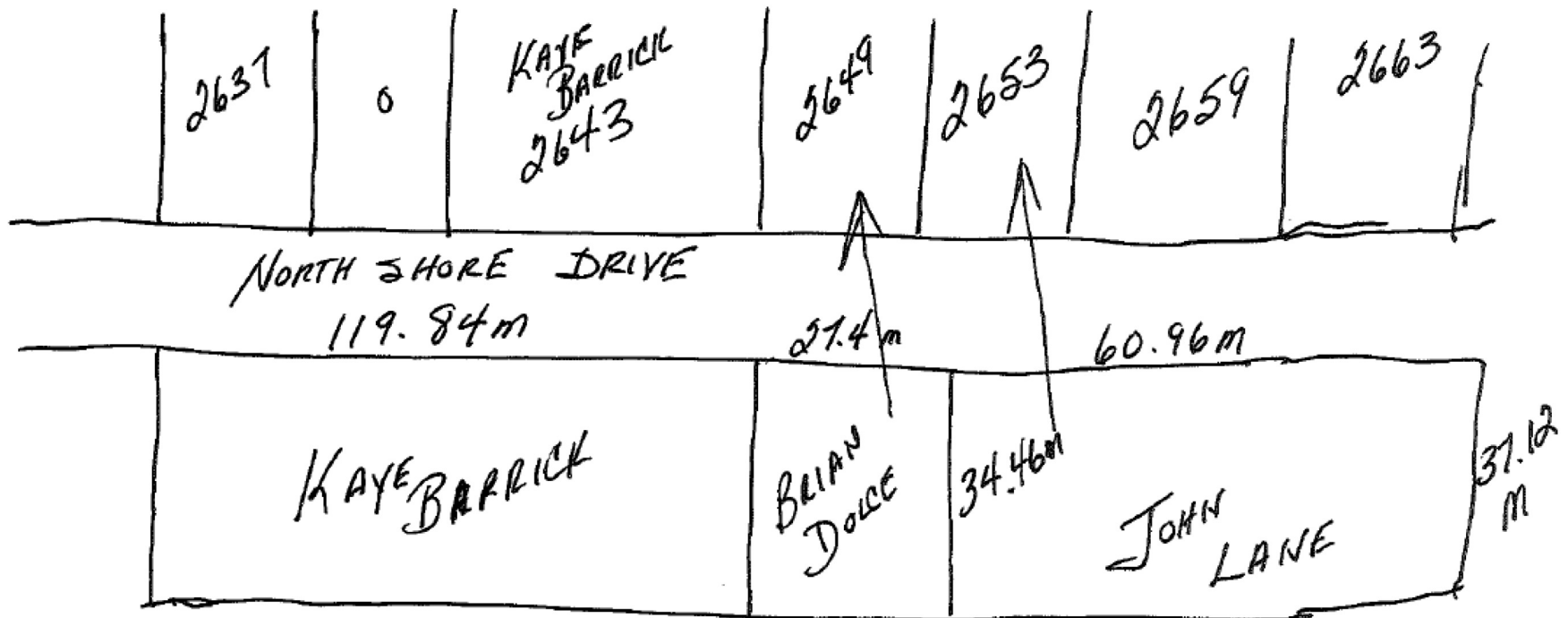
Zoning:

HL (Hazard Lands)

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



Owner's Sketch FILE #PLB-2019-124 APPLICANT: Barrick





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019

FILE NO: PLB-2019-129

PROPERTY ROLL NO: 2810-153-001-05100

APPLICANT: Doug, Mary-Ann, Jennifer & Heather Peart

AGENT: Doug & Heather Peart

PROPERTY LOCATION: Part Lots 14 & 15, Concession 2, Geographic Township of Oneida, 439 First Line

PROPOSAL: The applicants propose to sever a lot containing a surplus farm dwelling and detached garage. The severed lands will measure approximately 53.34 metres by 73.15 metres and will contain an area of approximately 0.39 hectare.

RECOMMENDATION:

That proposal PLB-2019-129, in the names of Doug, Mary-Ann, Jennifer & Heather Peart, is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the town of Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal conforms to the Official Plan.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The proposal will conform to the Haldimand County Zoning By-law subject to confirmation of the rear yard setback and automatic rezoning of the retained lands to remove a dwelling as a permitted use in accordance with Provincial Policy following severance.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: There were no livestock observed in the existing barn on the retained farmlands.

SITE FEATURES: The subject lands are located in the geographic township of Oneida and front onto the north side of First Line. The subject lands consist of the severed and retained lands. The severed lands contain a single family dwelling and shed. The retained lands contain farmlands and a barn. There is currently one laneway that provides access to both the single family dwelling and barn.

SURROUNDING LANDS:

NORTH – Agricultural

EAST – Agricultural

WEST – Agricultural

SOUTH – Agricultural

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Septic evaluation required.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No requirements.

GRAND RIVER CONSERVATION AUTHORITY: No objection.

HYDRO ONE: If the barns are to remain with the retained lands, new electrical service to barns should be established prior to completion of severance (See attached Condition No. 5).

MISSISSAUGAS OF THE NEW CREDIT: Comment not received.

SIX NATIONS: Comment not received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING STAFF COMMENTS:

The subject lands are located in the agricultural area of the County and are designated 'Agriculture'.

The Provincial Policy Statement (PPS) defines a residence surplus to a farm operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). The PPS permits

surplus farm dwelling severances provided the surplus farm dwelling lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services and the planning authority ensures that new residential dwellings are prohibited on the retained lands.

The Haldimand County Official Plan (OP) echoes and builds upon the PPS policies, and permits surplus farm dwelling severances subject to the following criteria:

1. The surplus farm dwelling shall be habitable;

Planning Comment: The applicants submitted a Declaration of Habitability of an Existing Farm Dwelling form declaring the surplus farm dwelling is habitable. Upon site inspection, the dwelling appeared habitable.

2. The surplus farm dwelling shall be a minimum age of ten (10 year);

Planning Comment: The surplus farm dwelling was constructed in 1885.

3. The surplus farm dwelling shall be made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings within the County;

Planning Comment: The applicants own a second farm containing a dwelling in the County.

4. The retained farmlands shall be rezoned to prohibit future residential development;

Planning Comment: Given the size of the surplus farm dwelling lot is less than the preferred lot size of 0.6 hectares (1.5 acres), the retained farmlands will automatically be rezoned to remove a dwelling as a permitted use in accordance with Provincial Policy. As such, the retained farmlands will be 'frozen' from future residential development and will be retained for agricultural purposes.

5. The surplus farm dwelling lot shall generally be 0.4 to 0.6 hectares (1 to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production;

Planning Comment: The surplus farm dwelling lot is proposed to be approximately 0.4 hectares (1 acres).

6. 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 (OBC)*;

Planning Comment: A septic evaluation is required as a condition of consent to ensure the septic system is functioning and will be located on the severed lands in accordance with the OBC setbacks;

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

Planning Comment: No livestock observed in the existing barn on the retained farmlands.

8. 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: There are no licensed pits and quarries surrounding the subject lands. There are also no waste disposal sites or other potential land use conflicts surrounding the subject lands.

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

Planning Comments: The severed and retained lands will have frontage on First Line. Currently, one laneway provides access to the entire property (dwelling, farmlands, and barn). Planning staff recommend that the laneway be stopped-up or disconnected between the severed and retained lands to reduce future land use conflicts between the two lots. An entrance permit will need to be obtained from the Roads Operations Division to construct a new farm entrance onto 1st Line. These items have been included as conditions of approval.

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

Planning Comment: No concern.

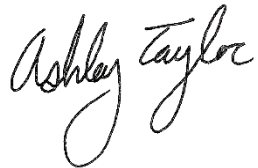
Also, the subject lands are zoned 'Agriculture (A)' Zone. The proposal appears to conform to the Haldimand County Zoning By-law. When the applicants hire a surveyor to provide a reference plan, the reference plan will need to demonstrate that the rear yard setback is 13 metres. Given the size of the surplus farm dwelling lot is less than the preferred lot size of 0.6 hectares (1.5 acres), the retained farmlands will automatically be rezoned to remove a dwelling as a permitted use in accordance with Provincial Policy.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends that this application be approved subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A public notice sign was posted during site inspection on August 14, 2019.

Prepared by:

A handwritten signature in black ink that reads "Ashley Taylor". The signature is written in a cursive style with a large, looping initial 'A'.

Ashley Taylor, RPP, M.PI
Planner

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 of \$250.00 and a fee of \$294.00 for deed stamping.
2. That a septic evaluation for severed parcel be completed and submitted 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.
3. That the owner stop up or disconnect the laneway between the severed and retained lands to the satisfaction of Planning Staff.
4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit to the retained lands. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

Receipt of confirmation that electrical service to the barns/buildings on the retained lands, has been installed, at the applicant's expense. Contact Hydro One at 519-426-4446 or 1-866-557-9551, for further information.

5. 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.
6. That the owner provide a survey illustrating that the rear yard setback is at least 13 metres between the existing single family dwelling and rear lot line.
7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 53.34 metres by 73.15 metres containing an area of approximately 0.39 hectare. Also, **prior to deed stamping**, 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 lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 10, 2020, after which time this consent will lapse.

File No. PLB-2019-129
PEART, Doug, Mary-Ann, Jennifer & Heather
Assessment Roll No. 2810-153-001-05100

Location Map FILE #PLB-2019-129 APPLICANT: Peart



Location:

**439 1ST LINE
GEOGRAPHIC TOWNSHIP OF ONEIDA
WARD 4**

Legal Description:

OND CON 2 PT LOT 14 & 15

Property Assessment Number:

2810 153 001 05100 0000

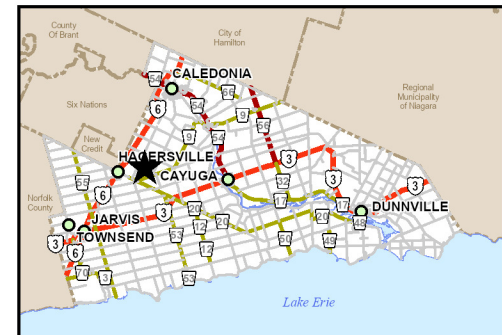
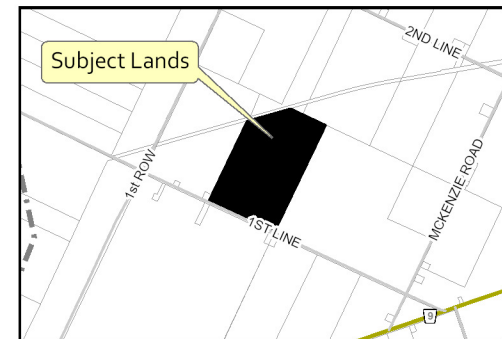
Size:

145.00 Acres

Zoning:

A (Agricultural)

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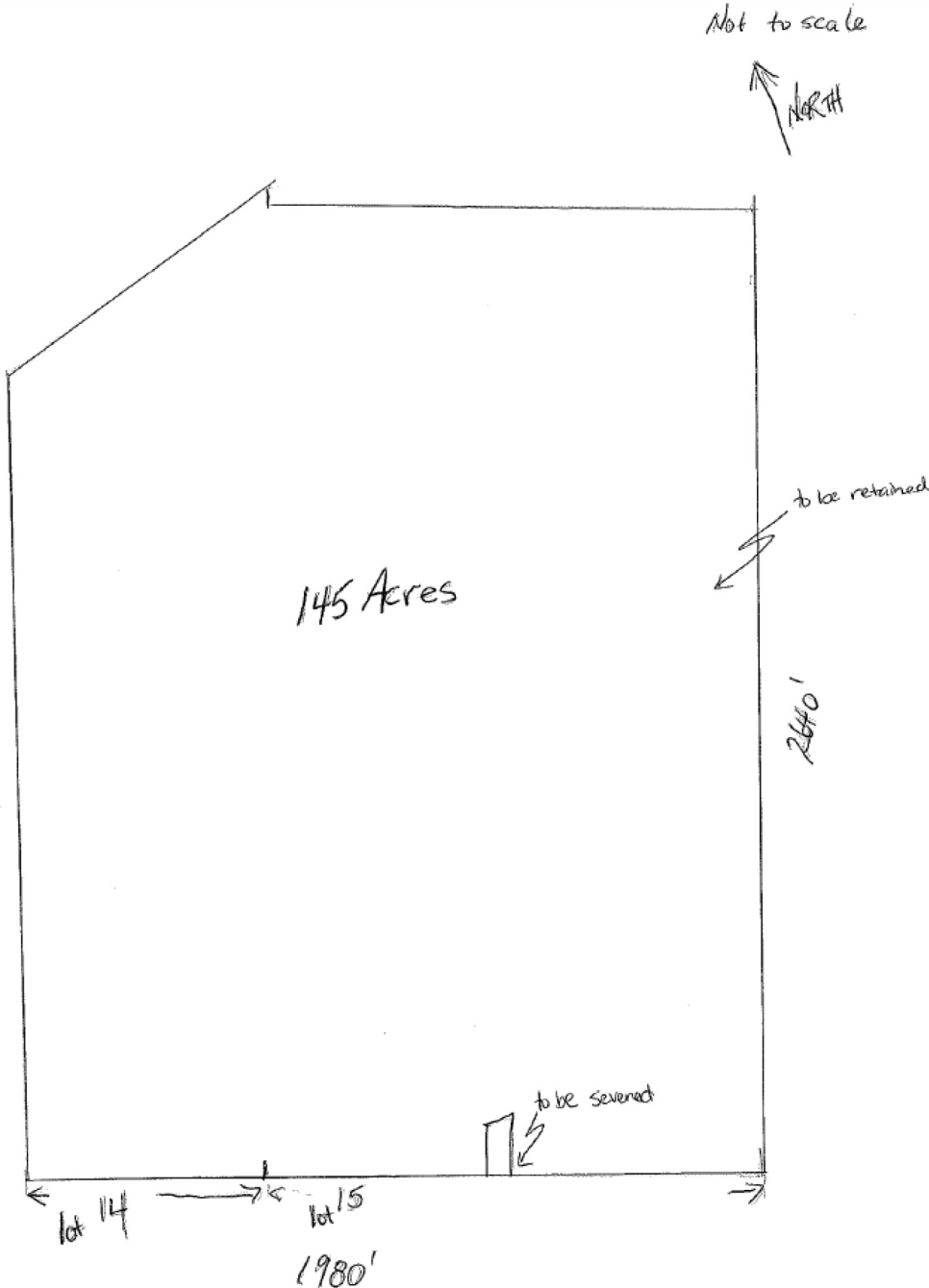


Detail 'A'

153
See Detail 'A'

TO BE SEVERED

Owner's Sketch 1 of 2 FILE #PLB-2019-129 APPLICANT: Peart



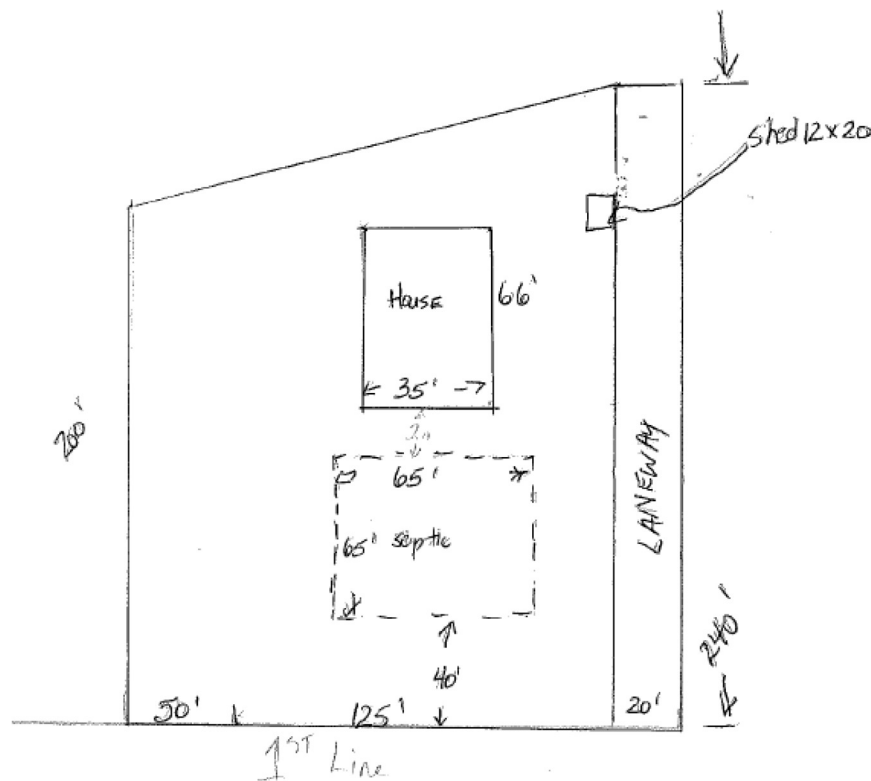
Owner's Sketch 2of2 FILE #PLB-2019-129 APPLICANT: Peart



Not to scale
North

BARW
450' Approx

House is approx 30' tall.





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019

FILE NO: PLB-2019-130

PROPERTY ROLL NO: 2810-022-003-07915

APPLICANT: Paul John Vos & Nancy Vos

PROPERTY LOCATION: Part Lots 6, 7 & 8, Concession 2, Geographic Township of Canborough, 416 Moote Road

PROPOSAL: The applicants propose to sever a parcel of land as a boundary adjustment. The proposed severed lands, which are part of a former rail line, will measure approximately 1,133.6 metres by 27.4 metres and will be added to the abutting lands to the north and south.

RECOMMENDATION:

That proposal PLB-2019-130, in the names of Paul John and Nancy Vos, is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Dunnville Zoning By-law 1-DU 80; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal conforms to the Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW: The Committee of Adjustment approved a minor variance application to permit the lot frontage and interior side yard setback to be reduced to facilitate a dwelling on the (proposed) retained lands. All other zoning provisions are satisfied. The proposal conforms to the Town of Dunnville Zoning By-law. If the applicants choose not to file a record of site condition with the Ministry of Environment, Conservation and Parks (MECP) for the severed lands, they will be required to rezone the subject lands to ensure the severed lands are used for access purposes only and remove farming as a permitted use.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The benefitting lands have no municipal address. They are located on the south side of Hart Road and are currently vacant and farmed. The benefitting lands are bisected by the subject lands which stretches from Moote Road to the rear yards of lots located on Robinson Road.

The subject lands are part of a former rail line. They consist of the severed and retained lands. The severed lands have no frontage, are approximately 1,133.6 metres by 27.4 metres, and are vacant. The severed lands are proposed to be added to the benefitting lands and merged together to form one parcel. The retained lands are located on the east side of Moote Road and are approximately 823.3 metres by 27.46 metres. The retained lands will contain a dwelling.

SURROUNDING LANDS:

NORTH – agricultural

EAST – agricultural and rural residential

WEST – agricultural

SOUTH – agricultural and rural residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION:
Comment not received

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Drainage reapportionment agreement required (See attached condition No. 4).

NIAGARA PENINSULA CONSERVATION AUTHORITY: No objection.

HYDRO ONE: No comments or concerns.

MISSISSAUGAS OF THE NEW CREDIT: Comment not received.

SIX NATIONS: Comment not received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING STAFF COMMENTS:

The benefitting and subject lands are located in the agricultural area of the County, and are designated 'Agriculture' and 'Riverine Hazard Lands' in the Haldimand County Official Plan.

Provincial and County policy permit lot adjustments for legal or technical reasons including minor boundary adjustments. The purpose of this application is to provide a portion of the subject lands (which bisects the benefitting lands) to the benefitting lands to consolidate the lands and to provide secure access to the entire benefitting lands.

The combined benefitting and severed lands will satisfy the Zoning By-law requirements in terms of lot frontage and size. Any future development on these lands will be required to satisfy the Zoning By-law provisions. The Committee of Adjustment approved minor variance application PLA-2018-170 on November 20, 2018 to permit the lot frontage and interior side yard setback to be reduced to facilitate a dwelling on the (proposed) retained lands. All other zoning provisions are satisfied.

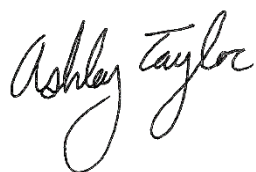
Given the severed lands contained a former rail line and are proposed to be added to agricultural lands, which is considered to be a sensitive land use, a Record of Site Condition (RSC) should be filed with the Ministry of Environment, Conservation and Parks (MECP) prior to finalization of the severance. They also have the option to rezone the severed lands to remove agriculture as a permitted use onsite and permit access / crossing only. A notice must also be registered on title.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Dunnville Zoning By-law 1-DU 80; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The public notice sign was posted during site inspections on August 14, 2019 in accordance with the *Planning Act*.

Prepared by:



Ashley Taylor, RPP, M.Pl
Planner

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

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$294.00 for deed stamping.
2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That the severed parcels become part and parcel of the abutting lands presently owned by Christopher Zantingh and further identified as Roll #'s 2810-022-003-07800 & 2810-022-003-07810.
4. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6415, for further clarification.
5. That the owner file a Record of Site Condition with the Ministry of Environment, Conservation and Parks and provide proof of filing for the severed lands; or the owner receive approval of a zoning by-law amendment application and provide proof of registration of notice on title to the satisfaction of the County.
6. 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.
7. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed. Also the solicitor will apply to consolidate the **three** parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
8. Receipt of a copy of the registered reference plan of the severed parcel, approximately 1,133.6 metres by 27.4 metres. Also, **prior to deed stamping**, 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 lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 10, 2020, after which time this consent will lapse.

File No. PLB-2019-130
VOS, Paul John & Nancy
Assessment Roll No. 2810-022-003-07915

Location Map FILE # PLB-2019-130 APPLICANT: Vos



Location:
416 MOOTE ROAD
GEOGRAPHIC TOWNSHIP OF CANBOROUGH
WARD 6

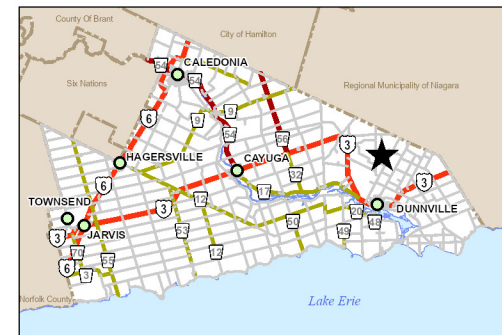
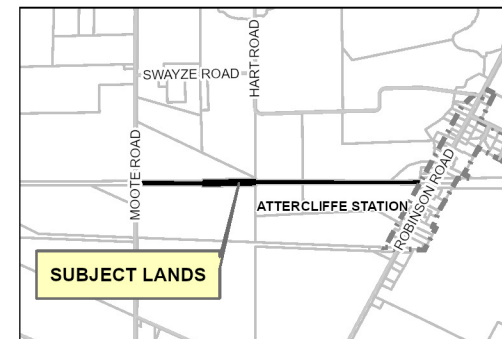
Legal Description:
CON 2 PT LOTS 6 7 AND 7
RP 18R 6035 PARTS 1 & 2

Property Assessment Number:
2810 022 003 07915 0000

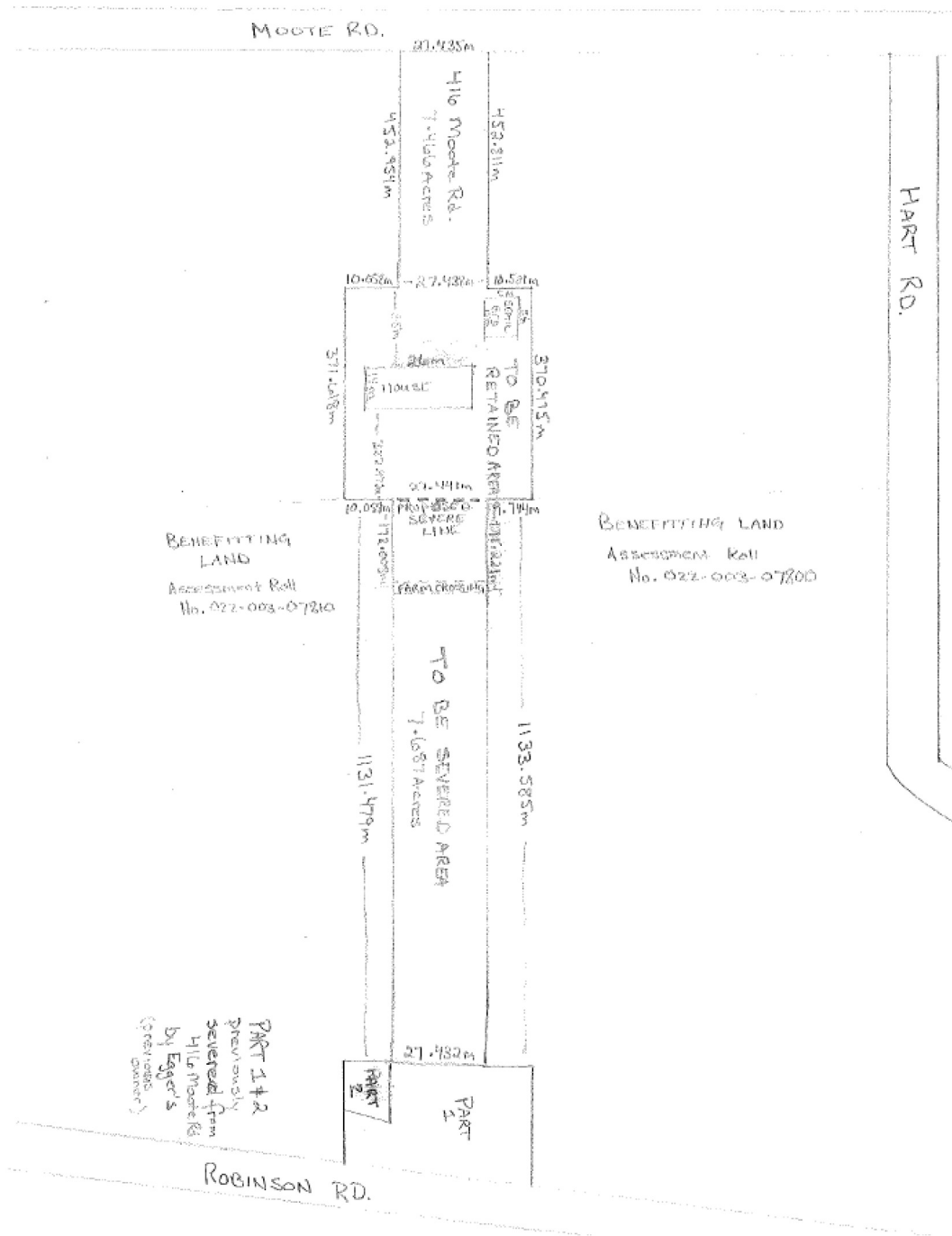
Size:
Approximately 15.08 Acres

Zoning:
A (Agricultural)

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Owner's Sketch 1 of 2 FILE # PLB-2019-130 APPLICANT: Vos



Owner's Sketch 2of2 FILE # PLB-2019-130 APPLICANT: Vos



Owner Contact	Property Location
John & Nancy Vos	Parcel
John cell: 905-572-0695	Assessment Roll Number: 291-903200307613
Nancy cell: 905-546-7871	Street Address:
johnvos@gmail.com	Municipality:
	PART OF LOT 8 CONCESSION 2 (FORMER RAIL CORRIDOR) IN THE GEOGRAPHIC TOWNSHIP OF CANBOROUGH

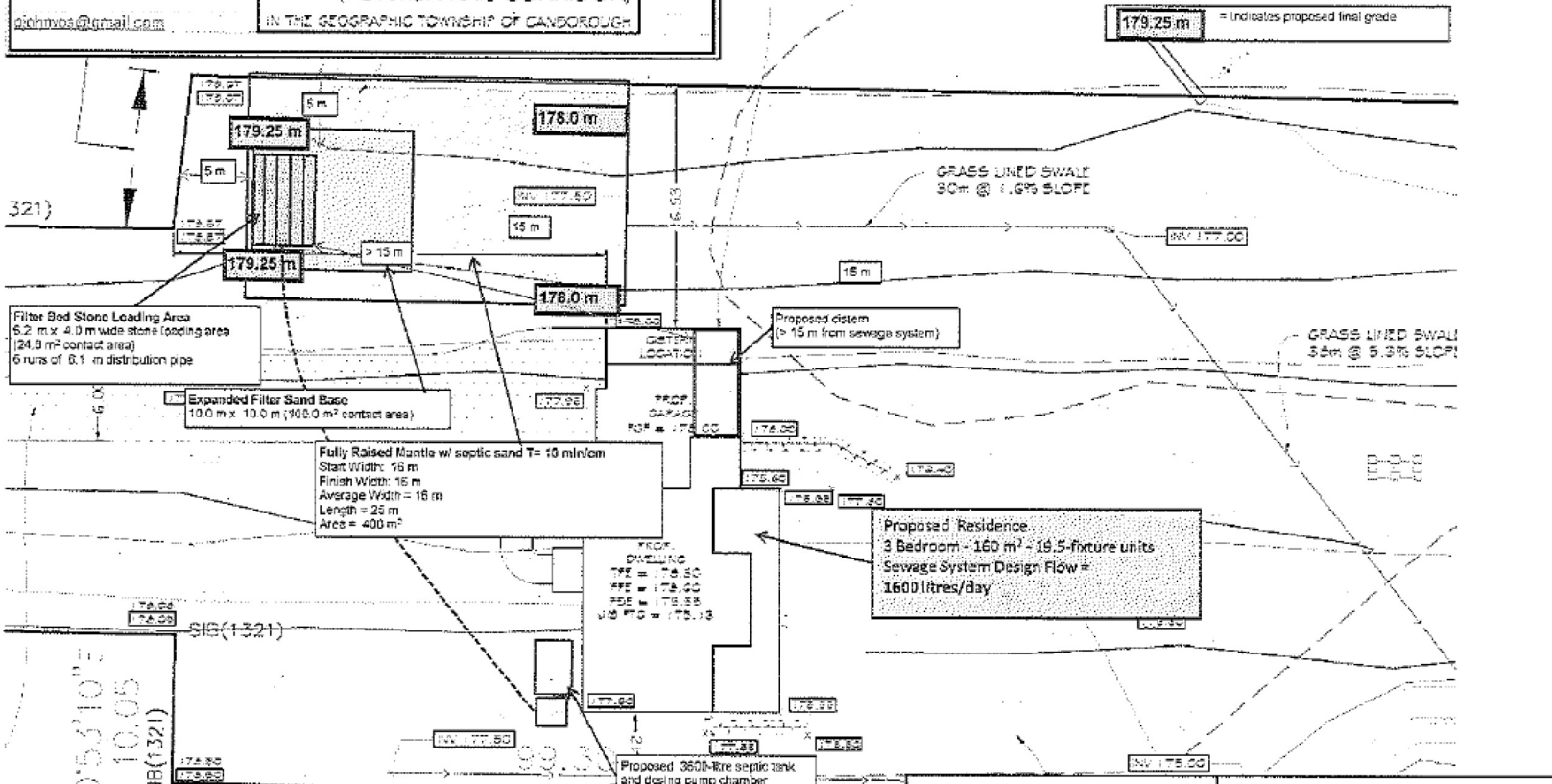


Table 8.2.1.6.A.(O.B.C.)
Forming part of Sentence 8.2.1.6.(1)

Minimum Clearances for Treatment Units:	
Structure	1.5m
Wet	15 m
Lake	15 m
Pond	15 m
Reservoir	15 m
River	15 m
Stream	15 m
Property Line	3 m

Table 8.2.1.6.B.
Forming part of Sentence 8.2.1.6.(2)

Minimum Clearances for Distribution Piping:	
Structure	5 m
Wet with a watertight casing to a depth of 6m:	15 m
Any other Wet	30 m
Lake	15 m
Pond	15 m
Reservoir	15 m
River	15 m
A spring not used as a source of potable water:	15 m
Stream	15 m
Property Line	3 m



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019

FILE NO: PLA-2019-125

PROPERTY ROLL NO: 2810-021-002-35400

APPLICANT: Brandon Ottaway

PROPERTY LOCATION: Lots 23, 24 & 35, Plan 49621, Geographic Township of Dunn, 3258 Lakeshore Road

PROPOSAL: The applicant proposes to construct a boathouse on the subject lands. Relief is requested from the provisions of the RS Zone of Zoning By-law 1-DU 80, as amended by 21-DU 89:

Development Standards	Required	Proposed	Deficiency
Maximum Size for Total Accessory Structures	55 square metres	160.6 square metres	105.6 square metres
Maximum Height for Accessory Structure	4.5 metres	6.6 metres	2.1 metres

This relief is required prior to issuance of a building permit for the proposed construction.

RECOMMENDATION

That application PLA-2019-125, in the name of Brandon Ottaway, is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general purpose and intent of the Town of Dunnville Zoning by-law 1-DU 80; therefore, planning staff recommends approval of this application subject to the following conditions:

1. The development shall be in accordance with the attached sketch.
2. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. Receipt of a letter from the Planning & Development Division and Emergency Services Division indicating that their requirements regarding construction of the private laneway entrance to the accessory structure have been satisfied.

4. Receipt of a letter from the Planning & Development Division and Emergency Services Division indicating that their requirements regarding access to the proposed garage are satisfied.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal conforms to the Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The proposal meets the general intent and purpose of the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located in the geographic township of Dunn. More specifically, the subject lands are located in the Lakeshore Node of Blott Point. The subject lands front onto the south side of Lakeshore Road. The back of the subject lands can be accessed via the private laneway to the south, if gravelled appropriately. The subject lands currently contain a dwelling with an attached garage that is accessible via Lakeshore Road. The applicant is proposing to construct a boat house that is accessible via the private laneway.

SURROUNDING LAND USES:

NORTH – Agriculture

EAST – Residential

WEST – Vacant residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION:
Comment not received

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Full lot grading plan required. See condition No. 2 above. Area is known for drainage issues, ditches may require maintenance especially if runoff from boathouse is expected to outlet to ditches.

HALDIMAND COUNTY EMERGENCY SERVICES: No concerns.

HALDIMAND COUNTY FACILITIES & PARKS OPERATIONS: No objections to the removal of trees to allow for the proposed development.

HYDRO ONE: No comments or concerns

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING RATIONALE

Planning staff have reviewed this proposal in relation to Section 45(1) of the *Planning Act* which requires that minor variance applications be evaluated under four tests, which are described as follows:

1. Does the proposal maintain the general intent and purpose of the Official Plan?

Planning Comment: The subject lands are designated 'Resort Residential' and are located in the Lakeshore Node of Blott Point, which is an approved rural settlement area with concentrated existing developments that are predominately seasonal / recreational in nature. A zoning amendment was previously approved for the subject lands which permits year round residency on the subject lands. The applicant is requesting to construct an oversized accessory structure onsite to store his boats. Accessory structures are generally permitted on rural residential lots, provided they are an appropriate size. Given the size of the accessory structure, the need to gravel more of the private laneway, and the receiving outlet, planning staff recommend that a lot grading plan be required as a condition of approval.

2. Does the proposal maintain the general intent and purpose of the applicable Zoning By-law?

Planning Comment: The subject lands are zoned 'Seasonal Residential (RS)' Zone and are subject to a special provision which permits year round residency. The 'RS' Zone permits accessory structures up to 55 square metres in size and 4.5 metres in height.

The subject lands and surrounding lots are larger than the majority of existing lots within the seasonal areas, providing additional space onsite and a buffer between neighbours. Also, the subject lands are larger than the Zoning By-law requires (required lot size = 1855 square metres / 0.45 acres, actual lot size = 2954 square metres / 0.73 acres). As such, there is opportunity to consider permitting a larger and taller accessory structure.

The accessory structure is proposed to be constructed on the southeast portion of the subject lands, and accessible via the private laneway. Given the depth of the lot, the accessory structure will be well setback from the dwelling onsite, and from the dwelling located on the adjacent lot to the east. Also, there is an existing structure of similar size and location on the adjacent lot to the east. The accessory structure will be setback from a future dwelling located on the lot to the west, given the size of the subject lands and the lot to the west (46134 square metres / 1.14 acres), the depth of both properties, and

the location of the proposed accessory structure on the southeast (rather than southwest) portion of the subject lands. The proposed accessory structure is also well removed from the existing dwellings located on Horseshoe Bay Road, as these lots are also deep and are buffered by the private right of way.

Altogether, it is planning staff's opinion that the proposed accessory structure is appropriate for the size of the subject lands and its location will have minimal impact on the existing neighbourhood. As such, it is planning staff's opinion that the proposal satisfies the general intent and purpose of the Zoning By-law.

3. Is the proposal considered minor in nature?

Planning Comment: For the reasons listed under criterion 2, it is planning staff's opinion that the proposal is minor in nature.

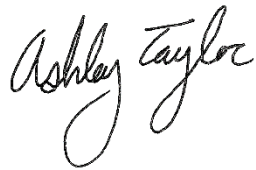
4. Is the proposal considered appropriate and compatible development?

Planning Comment: The subject lands are located in a Lakeshore Node close to Lake Erie. Given the location of the subject lands, the size of the subject lands, and the location of the proposed accessory structure, it is planning staff's opinion that the proposal is considered appropriate and compatible development. A lot grading plan is recommended as a condition of approval to ensure appropriate lot grading and outletting for the proposed accessory structure. Planning staff also recommends that the applicant provide details (width, carrying capacity, etc.) regarding the existing gravel driveway onsite and plan to gravel the remainder of the private laneway to ensure emergency services can attend to any emergency at the proposed accessory in the future.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general intent and purposes of the Town of Dunnville Zoning By-law 1-DU 80. Therefore, planning staff recommends approval of this application subject to the conditions listed above.

NOTICE SIGN POSTED: The public notice sign was not posted during site inspections on August 14, 2019 in accordance with the *Planning Act*. Planning staff contacted the applicant following site inspection and requested that he post the sign, and he agreed to post it on August 20, 2019.

Prepared by:

A handwritten signature in black ink that reads "Ashley Taylor". The signature is written in a cursive style with a large, looping initial 'A'.

Ashley Taylor, RPP, M.Pl
Planner

Location Map FILE # PLA-2019-125 APPLICANT: Ottaway



Legend

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



Location:
3258 LAKESHORE ROAD
GEOGRAPHIC TOWNSHIP OF DUNN
WARD 5

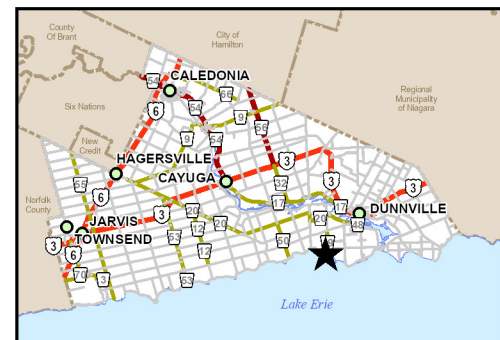
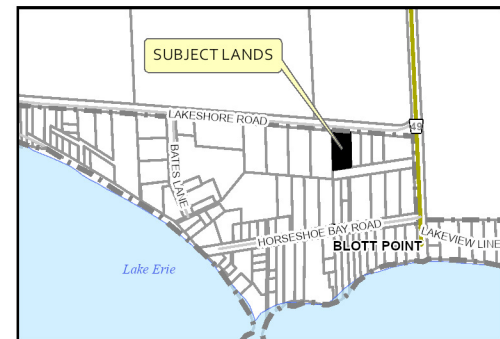
Legal Description:
DUN CON 4 SDR PT LOT 6 DEP
PLAN 49621 LOTS 23 24 35 AND 36

Property Assessment Number:
2810 021 002 35400 0000

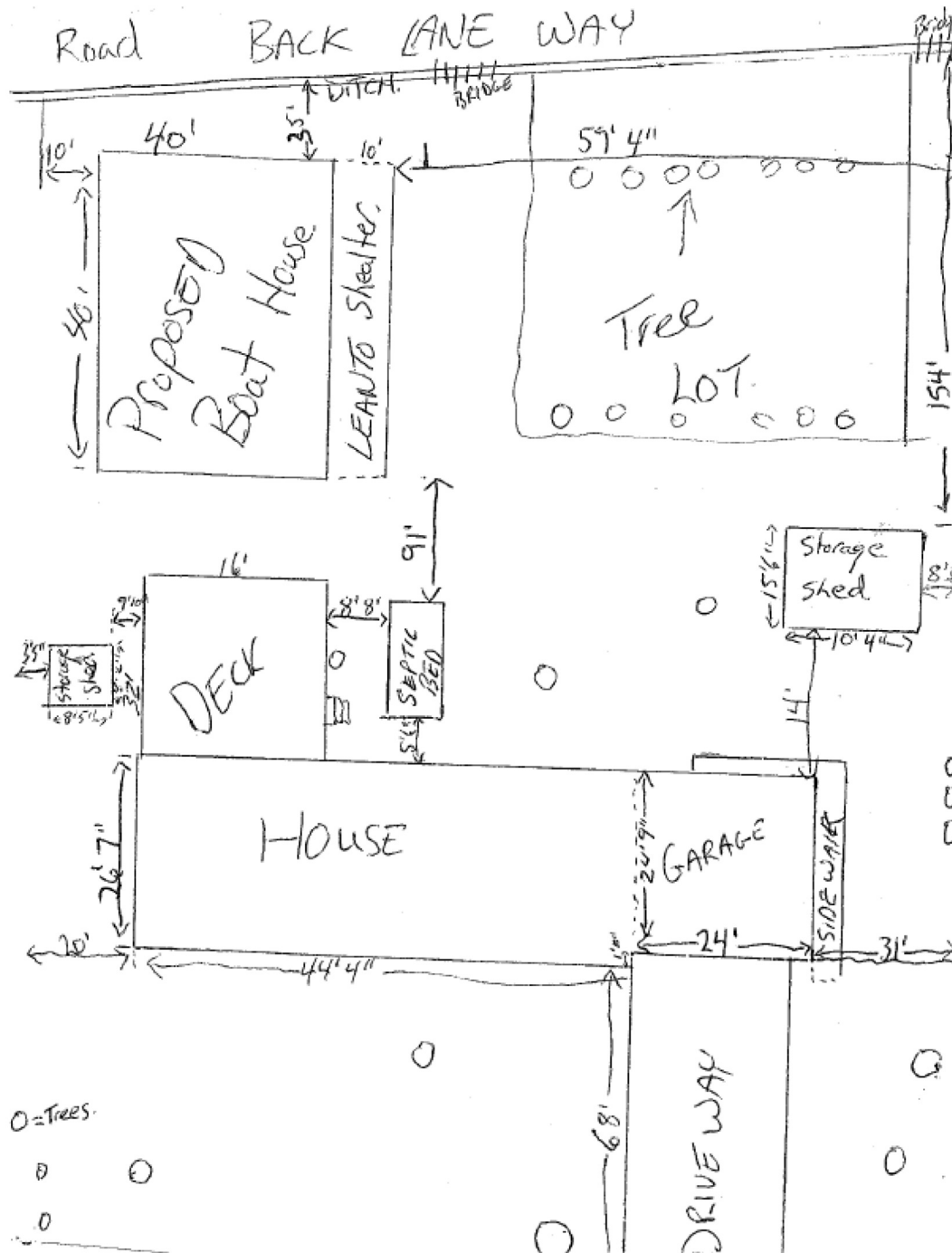
Size:
0.73 Acres

Zoning:
RS (Seasonal Residential)

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Owner's Sketch FILE # PLA-2019-125 APPLICANT: Ottaway





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019
FILE NO: PLA-2019-127
PROPERTY ROLL NO: 2810-155-005-07300
APPLICANT: 1906343 Ontario Inc.

PROPERTY LOCATION: Part Lot 6, Concession 1, South of Talbot Road, Geographic Township of North Cayuga, 548 Junction Road

PROPOSAL: The applicant proposes to perform auto body repair and sell vehicles originating from the salvage yard on the subject lands, in addition to the existing use as a salvage yard. The proposed uses are not currently permitted under the site specific Agricultural Zone and this relief is required prior to implementation of the proposed uses.

RECOMMENDATION

That application PLA-2019-127 in the name of 1906343 Ontario Inc., is consistent with Provincial Policy (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general purpose and intent of the Town of Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends approval of this application subject to the following conditions:

1. The auto body shop and vehicle dealership are permitted on the portion of the lands where the salvage yard is permitted as identified in By-laws 7-H-91 and 106-HC-03 (on the south portion of the lot).
2. The auto body shop and vehicle dealership are to be accessory to the salvage yard. A vehicle dealership and auto body shop cannot be operated without the salvage yard operating onsite.
3. All vehicles serviced in the auto body shop must be part of the salvage yard business. The auto body business is not permitted to service outside customer vehicles.
4. A maximum of 20 vehicles are permitted to be available for sale at any one point. The majority of vehicles for sale shall first be processed through the salvage yard and / or auto body shop.
5. The proponent receives approval for a parking plan (or site plan, if necessary) for dealership parking prior to selling cars onsite.

6. Any site alteration or development requires site plan approval prior to altering or developing the site.
7. The uses must be registered with the Ministry of Environment, Conservation and Parks and follow their guidelines for outputs (noise, dust, etc.).

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal conforms to the Official Plan.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The proposal generally maintains the purpose and intent of the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located in the agricultural area of the County, in the geographic township of North Cayuga. The subject lands are bound by Junction Road to the west and Concession 1 Road South to the south. The subject lands contain a salvage yard and a number of existing structures on the south side of the lot. The north portion of the lot is persevered for the Creek and natural open space. No new structures are proposed.

SURROUNDING LAND USES:

NORTH – Agriculture and rural residential

EAST – Agriculture and rural residential

WEST – Agriculture and rural residential

SOUTH – Agriculture and rural residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Building permits, change of use permit and licences may be required.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No requirements.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA): No objection. Future development and site alteration may require NPCA work permits and the completion of floodplain mapping.

MINISTRY OF TRANSPORTATION (MTO): No objection to the proposed minor variance provided the applicant is aware of MTO permit approvals. All new buildings and structures shall be setback a minimum of 14m from the Proposed Highway 3 corridor; and no new entrances will be permitted. The applicant can obtain MTO Building and Land Use permits by contacting the MTO and using the following link: <https://www.hcms.mto.gov.on.ca/PermitWizard>.

HYDRO ONE: No issues or concerns.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING RATIONALE

The subject lands are designated 'Agriculture'. The 'Agriculture' designation requires the protection of agriculture for long-term use and permits agricultural uses, agriculture-related uses, and on-farm diversified uses. Provincial policy also permits limited non-residential uses in the 'Agriculture' designation subject to a number of tests, and typically requires a full amendment to the Official Plan.

However, the subject lands are zoned a site specific 'Agriculture' zone which has permitted a salvage yard on a portion of the subject lands since 1991, and an expansion in 2003. As such, the subject lands have been removed from agricultural production for many years.

The current proposal is to permit auto body repair and vehicle sales as accessory uses to the salvage yard. Typically, standalone auto body repair and vehicle dealerships are directed to urban business parks within settlement areas (i.e. Caledonia, Dunnville, etc.) or Hamlets (i.e. Canfield, Canborough, etc.). This is to ensure that farms are to be conserved to secure the food supply and the rural economy, and to ensure compatibility between land uses in terms of use, intensity (traffic, servicing, etc.), and outputs (noise, dust, etc.). However, the current zoning permits a salvage yard onsite. Given current permissions, planning staff can support adding uses onsite provided the uses are accessory to the current business and small scale. Planning staff recommend the following conditions be applied to the approval:

1. The auto body shop and vehicle dealership are permitted on the portion of the lands where the salvage yard is permitted as identified in By-laws 7-H-91 and 106-HC-03 (on the south portion of the lot).

Planning Comment: The purpose of this condition is to contain the auto body shop and vehicle dealership to the area where the salvage yard is permitted and to prohibit the auto body shop and vehicle dealership on the lands associated with the creek / natural areas (to the north).

2. The auto body shop and vehicle dealership are to be accessory to the salvage yard. A vehicle dealership and auto body shop cannot be operated without the salvage yard operating onsite.

Planning Comment: The purpose of this condition is to make clear that the auto body shop and vehicle dealership are to be accessory to the salvage yard. This is important for the sale of the lot. It will make it clear to the current owner and future purchasers that a standalone auto body shop and vehicle dealership cannot be operated as standalone uses.

3. All vehicles serviced in the auto body shop must be part of the salvage yard business. The auto body business is not permitted to service outside customer vehicles.

Planning Comment: The purpose of this condition is to make clear that the auto body shop is to be accessory to the salvage yard, and to ensure that it remains small scale. This condition is important, as the subject lands are located in the agricultural area; a full scale auto body shop with many customers would not be appropriate for the area. This condition signals to the current owner and future purchasers that a full scale auto body shop is not permitted on the subject lands.

4. A maximum of 20 vehicles are permitted to be for sale at any one point. The majority of vehicles for sale shall first be processed through the salvage yard and / or auto body shop.

Planning Comment: The purpose of this condition is to make clear that the vehicle dealership is to be accessory to the salvage yard, and to ensure that it remains small scale. This condition is important, as the subject lands are located in the agricultural area; a full scale vehicle dealership is not appropriate for the area. This condition signals to the current owner and future purchasers that a full scale vehicle dealership is not permitted on the subject lands.

5. The proponent receives approval for a parking plan (or site plan, if necessary) for dealership parking prior to selling cars onsite.

Planning Comment: The purpose of this condition is to ensure that parking for the vehicle sales area is appropriately laid out, and functions well for customers, service vehicles, and emergency services. MTO input may be required. A site plan may be required if any additional grading, graveling, etc. is required onsite prior to site alteration occurring.

6. Any site alteration or development requires site plan approval prior to altering or developing the site.

Planning Comment: This condition is to make clear that site plan control applies to the property.

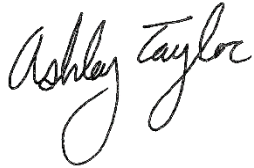
7. The uses must be registered with the Ministry of Environment, Conservation and Parks and follow their guidelines for outputs (noise, dust, etc.).

Planning Comment: This condition is to ensure that the business has properly registered with the Ministry and is complying to their regulations, especially given that there are existing rural residential lots surrounding the subject lands.

Provided these conditions are implemented, it is planning staff's opinion that the proposal meets the general intent and purpose of the Official Plan and Town of Haldimand Zoning By-law 1-H 86, is minor in nature, and appropriate and compatible development. It is also planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014) and conforms to the Province's Growth Plan (2019).

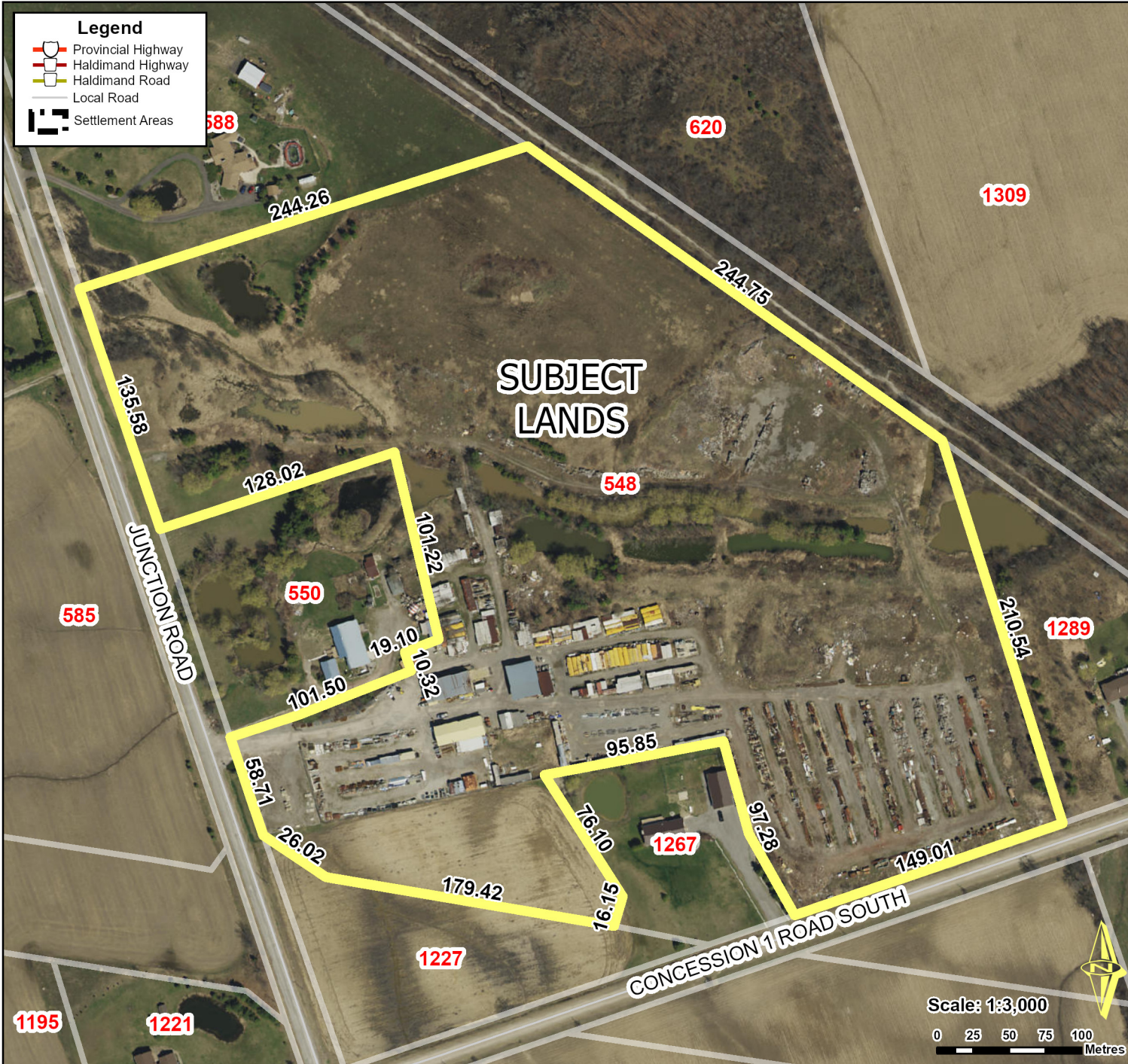
NOTICE SIGN POSTED: The public notice sign was not posted during site inspections on August 14, 2019 in accordance with the *Planning Act*.

Prepared by:

A handwritten signature in black ink that reads "Ashley Taylor". The signature is written in a cursive, flowing style.

Ashley Taylor, RPP, M.Pl
Planner

Location Map FILE # PLA-2019-127 APPLICANT: 1906343 Ontario Inc.



Location:
548 JUNCTION ROAD
GEOGRAPHIC TOWNSHIP OF NORTH CAYUGA
WARD 2

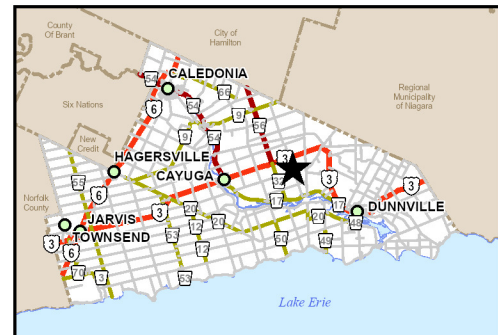
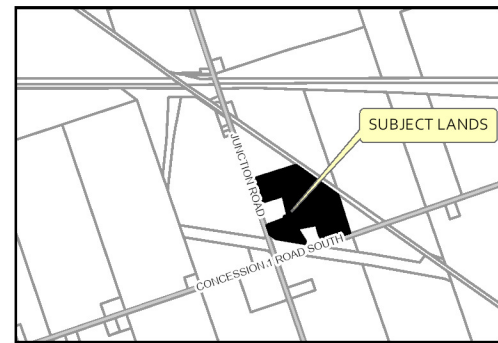
Legal Description:
NCAY CON 1 STR PT LOT 6 AND
RP 18R6082 PART 1

Property Assessment Number:
2810 155 005 07300 0000

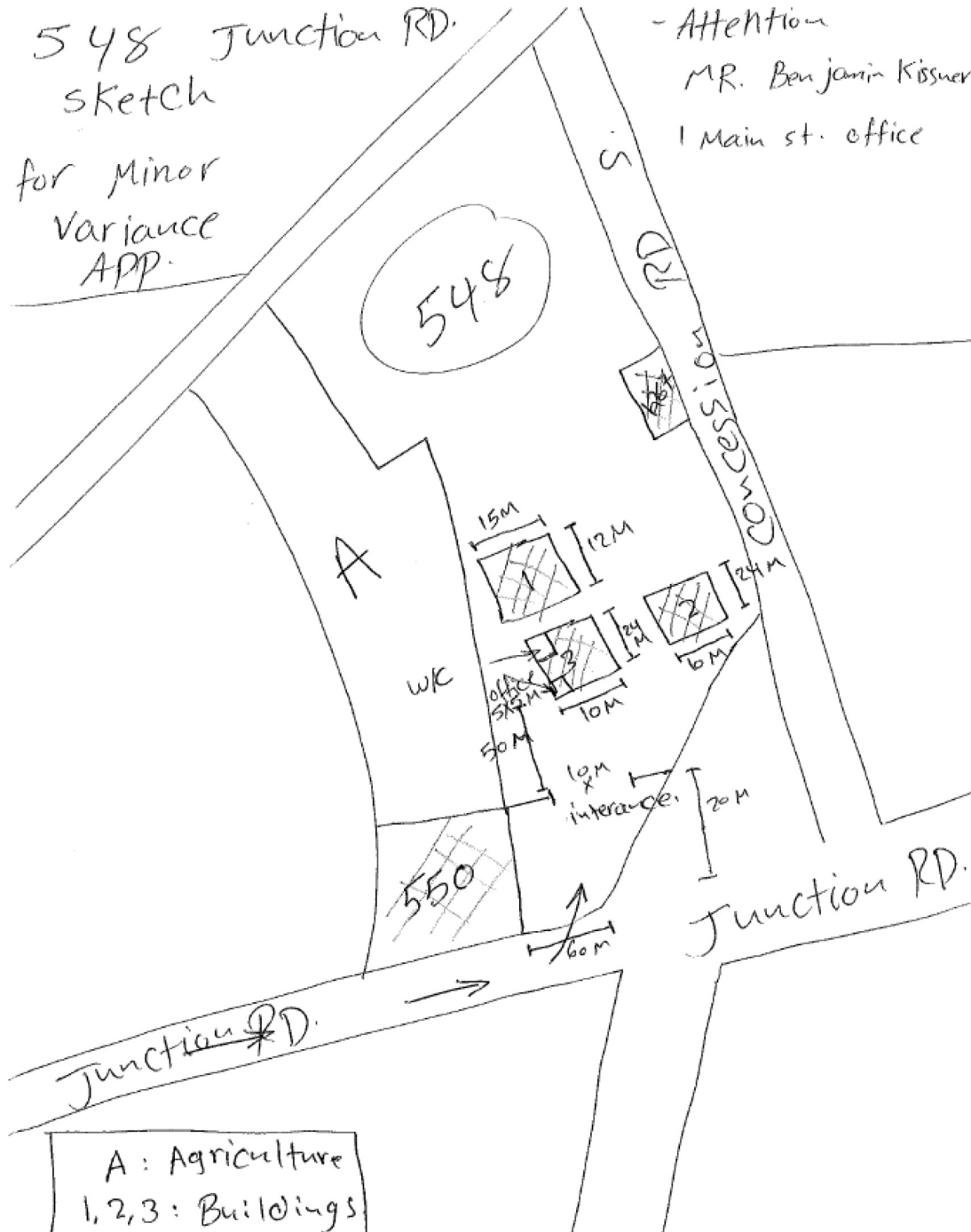
Size:
30.74 Acres

Zoning:
A (Agricultural)

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Owner's Sketch FILE # PLA-2019-127 APPLICANT: 1906343 Ontario Inc.





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019
FILE NO: PLA-2019-134
PROPERTY ROLL NO: 2810-151-004-04200
APPLICANT: Shelley Martin
AGENT: Hank Nauta

PROPERTY LOCATION: Lot 5, Plan 51, Urban Area of Caledonia, 449 Caithness Street East

PROPOSAL: The applicant proposes to remove the existing dwelling and construct a new dwelling and 2 car garage. Relief is requested from the provisions of the R1 Zone of Zoning By-law 1-H 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Front Yard Setback	6 metres (19.69 feet)	4.1 metres (13.46 feet)	1.9 metres (6.23 feet)
Exterior Side Yard	6 metres (19.69 feet)	1.56 metres (5.12 feet)	4.44 metres(14.57 feet)

This relief is required prior to issuance of a building permit for the proposed construction.

RECOMMENDATION

That application PLA-2019-134, in the name of Shelley Martin, be refused as the proposal does not meet the general intent of the Haldimand County Official Plan, Town of Haldimand Zoning By-law 1-H 86, is not minor in nature, and is not appropriate and compatible development.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is inconsistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal does not offend the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal does not conform to the general intent and purpose of the Haldimand County Official Plan.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The proposal does not conform to the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable

SITE FEATURES: The subject lands are located on the south side of 449 Caithness Street East in the urban area of Caledonia. The subject lands currently contain a dwelling and no onsite parking.

SURROUNDING LAND USES:

NORTH – Residential

EAST – County road allowance and residential

WEST – Residential

SOUTH – Grand River

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Demolition and building permits required.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Direct runoff to watercourse assurances (in lieu of grading plan) required. See condition No. 2 below. Reduced front yard setback for the proposed garage is not recommended as it promotes vehicles parking within the right-of-way (in front of the garage). Also it reduces sight distances for vehicles reversing out of the driveway which is a potential concern for the safety of motorists. The rear yard features a 200 mm concrete wastewater main, although the site plan did not feature this infrastructure, development should not encroach on this area for maintenance purposes.

GRAND RIVER CONSERVATION AUTHORITY (GRCA): No objection.

HYDRO ONE: No comments or concerns as long as the setback from property line to dwelling is maintained at 4.1 meters as requested.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING RATIONALE

Planning staff have reviewed this proposal in relation to Section 45(1) of the *Planning Act* which requires that minor variance applications be evaluated under four tests, which are described as follows:

1. Does the proposal maintain the general intent and purpose of the Official Plan?

Planning Comment: The subject lands are designated 'Floodway' and are located in the residential area of the County. Provided the GRCA is satisfied with the setback of the dwelling to the Grand River, planning staff have no concern with the proposal from a natural hazards perspective.

However, the Official Plan requires that new dwellings maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge and character. While some of the older dwellings in the area are located close to the road the dwellings on either side of the subject lands are setback from the road. It is planning staff's opinion that the proposal does not satisfy the general intent and purpose of the Official Plan.

2. Does the proposal maintain the general intent and purpose of the applicable Zoning By-law?

Planning Comment: The purpose of the 6 metre front yard setback is to ensure that the driveway in front of the garage can safely accommodate vehicles wholly within the property boundaries and out of the County's right of way. The typical parking space is 6 metres in length (to safely accommodate backing up and turning movements), which is the reason for the 6 metre front yard setback.

The existing dwelling on the subject lands is located close to the front lot line and has no onsite parking. The property owner and guests are currently parking in the County's right of way. The applicant is proposing to push the new dwelling back from the front lot line and to construct a two car garage. These are positive changes. However, the applicant is proposing to construct the garage 4.1 metres from the front lot line. This means that any vehicles that park in front of the garage will extend into the County's right of way. While the applicant is providing the required two parking spaces in the garage, additional parking may occur in front of the garage (additional owner vehicles, guest vehicles, etc.) by way of providing the driveway. Extension of vehicles into the right of way is discouraged, especially on arterial roads such as Caithness Street East which is recognized as a principle traffic thoroughfare within the County.

The reason the applicant is requesting the reduced front yard setback is to satisfy the GRCA in terms of setback from the Grand River (and floodplain). The planner for the GRCA has stated the GRCA is likely agreeable to pushing the new dwelling 1 metre closer to the Grand River (i.e. 1 metre away from the front lot line). However, the applicant has expressed they would then need to remove the covered deck to the rear of the dwelling from the proposal.

Given the proposal is for a full demolition and rebuild, and there is opportunity to push the dwelling back from the front lot line and to reduce the size of the dwelling to conform to the front yard setback, planning staff recommend that relief for the front yard setback

not be approved. Planning staff have expressed concern and their position on this proposal several times prior to and following application submission.

Also, a similar proposal for a lot in the immediate area was submitted and later withdrawn due to the exact same concerns.

3. Is the proposal considered minor in nature?

Planning Comment: For the reasons listed under item 2, it is planning staff's opinion that the proposal is not minor in nature. A 6 metre front yard setback is the minimum setback staff would recommend in front of a garage. The County has been consistent in upholding this requirement when safety has been a concern.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: For the reasons listed under item 2, it is planning staff's opinion that the proposal is not minor in nature. A 6 metre front yard setback is the minimum setback staff would recommend in front of the garage.

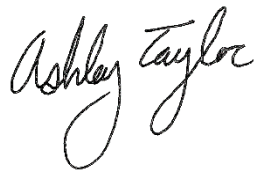
In terms of the exterior side yard setback alone, there is no concern with approving the reduced yard. The right of way is not travelled via vehicles.

Overall, it is planning staff's opinion that the application should be refused as it does not meet the general intent of the Haldimand County Official Plan, Town of Haldimand Zoning By-law 1-H 86, is not minor in nature, and is not appropriate and compatible development. However, if Committee decides to approve this application, the following conditions are recommended:

1. The development shall generally be in accordance with the attached sketch;
2. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, for further clarification; and
3. Demolition and building permits are obtained.

NOTICE SIGN POSTED: A public notice sign was posted during site inspection on August 14, 2019 in accordance with the *Planning Act*.

Prepared by:

A handwritten signature in black ink that reads "Ashley Taylor". The signature is written in a cursive style with a large initial 'A' and 'T'.

Ashley Taylor, RPP, M.Pl
Planner

Location Map FILE # PLA-2019-134 APPLICANT: Martin & Cobb



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

Location:
**449 CAITHNESS STREET EAST
 URBAN AREA OF CALEDONIA, WARD 3**

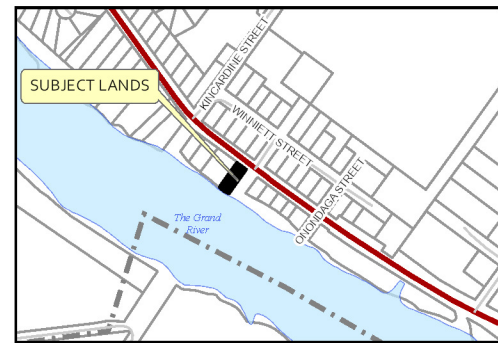
Legal Description:
CAL PLAN 51 PT LOT 5

Property Assessment Number:
2810 151 004 04200 0000

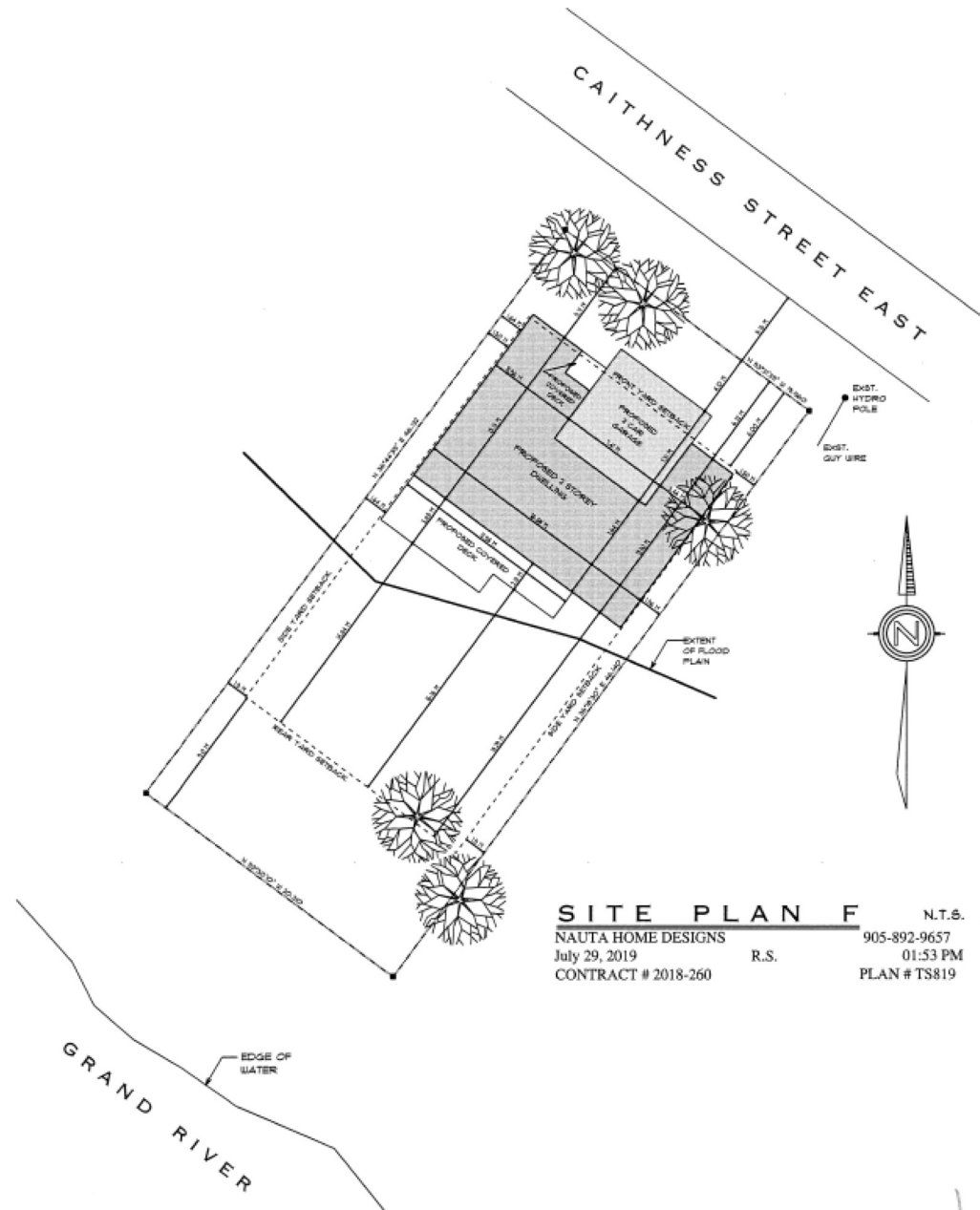
Size:
0.24 Acres

Zoning:
**R1 (Urban Residential Type 1)
 & HL (Hazard Land)**

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Owner's Sketch FILE # PLA-2019-134 APPLICANT: Martin & Cobb



SITE PLAN F N.T.S.
 NAUTA HOME DESIGNS 905-892-9657
 July 29, 2019 R.S. 01:53 PM
 CONTRACT # 2018-260 PLAN # TS819

JA



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019

FILE NO: PLA-2019-147

PROPERTY ROLL NO: 2810-339-080-45520

APPLICANT: Art & Monika Bluhm

AGENT: Civic Planning Solutions
David Roe

PROPERTY LOCATION: Part Lot 24, Concession 14, Registered Plan D-37-5, Geographic Township of Townsend, 41 Townline Road

PROPOSAL: Relief is requested from the provisions of By-law 1126/HC-19 relating to cannabis production facilities, to allow for expansion of an existing facility where a dwelling exists on the premise. All setbacks and other zone provisions will be complied with for the expansion.

RECOMMENDATION

That application PLA-2019-147, in the name of Art & Monika Bluhm, is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general intent and purpose of the City of Nanticoke Zoning By-law NE 1-2000 and By-law 1126/HC-19; therefore, planning staff recommends approval of this application subject to the following conditions:

1. The relief for the existing dwelling is applied to the entire property and for any future cannabis operation expansion. Future cannabis operation expansions do not need to be re-approved, provided all other cannabis zone provisions are met;
2. The applicant receives all required licences from Health Canada;
3. The applicant receives all required permits from the Long Point Region Conservation Authority (LPRCA);
4. The applicant receives approval of a site plan or site plan waiver from the County; and
5. The applicant receives all required permits from the Haldimand County Building & By-law Enforcement Division.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW: The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The proposal conforms to the Haldimand County Official Plan.

CITY OF NANTICOKE ZONING BY-LAW NE 1-2000 AND BY-LAW 1126/HC-19: The proposal maintains the general intent and purpose of the City of Nanticoke Zoning By-law NE 1-2000 and By-law 1126/HC-19.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located in the agricultural area of the County in the geographic township of Woodhouse. The subject lands contain a single family dwelling, garage, and cannabis production facility (one structure has been built and another has been permitted). There are two entrances / exists to the property – one on Townline Road that services the existing dwelling and another on Keith Richardson Parkway that services the cannabis operation. The applicant is proposing to construct a third building associated with the cannabis production facility onsite, on the north portion of the lot. The subject lands contain a number of trees and watercourse; the new building will not impact these natural heritage features.

SURROUNDING LAND USES:

NORTH – Agriculture and rural residential

EAST – Agriculture and rural residential

WEST – Agriculture and rural residential

SOUTH – Agriculture and rural residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: No comments and recommend approval as long as all other provisions of By-law 1126-HC/19 are met.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Comment not received

LONG POINT REGION CONSERVATION AUTHORITY: Comment not received

MINISTRY OF TRANSPORTATION: No objection with the stipulation that all access be via the municipal road system as shown on the owners' sketches. MTO had some early pre-consultation with the Owner's consultant on this development and we agreed that MTO review and permits would not be required for the development. If the location of buildings, structures or access needs to be modified, MTO would appreciate seeing those details for further comment.

HYDRO ONE: No concerns.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: No comments received.

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

PLANNING RATIONALE

Planning staff have reviewed this proposal in relation to Section 45(1) of the *Planning Act* which requires that minor variance applications be evaluated under four tests, which are described as follows:

1. Does the proposal maintain the general intent and purpose of the Official Plan?

Planning Comment: The subject lands are designated 'Agriculture' and 'Riverine Hazard Lands'. The new structure is proposed in the area designated 'Agriculture', which permits all forms of farming, including growing of crops, and value added uses, which may include processing, preserving, storing and packaging farm products. Growing and processing cannabis is permitted in the 'Agriculture' designation.

2. Does the proposal maintain the general intent and purpose of the applicable Zoning By-law?

Planning Comment: The subject lands are zoned 'Agriculture (A)' Zone and 'Hazard Land (HL)' Zone. The new cannabis production facility (building) is proposed in the 'Agriculture (A)' Zone.

Council passed By-law 1126-HC/19 on April 1, 2019 to address the emerging land use issues associated with cannabis operations (odour, noise, traffic, stormwater management, etc.) by establishing a definition of and specific controls and regulations to cannabis production facilities within Haldimand County. By-law 1126-HC/19 amends the City of Nanticoke Zoning By-law NE 1-2000. By-law 1126-HC/19 was accompanied by a staff report which listed cannabis regulations in process or in effect in similar municipalities across Ontario and provided a suite of recommendations to Council. Council ultimately passed By-law 1126-HC/19.

By-law 1126-HC/19 permits cannabis production facilities in the 'A' Zone. The specific controls and regulations deal with setbacks of cannabis production facilities to lot lines, certain sensitive zones (residential zones, etc.), uses on a separate lot (dwellings, etc.), and settlement boundaries (i.e. Townsend, Jarvis, etc.); parking; outdoor storage;

advertising; etc. By-law 1126-HC/19 also prohibits a cannabis production facility on a lot containing a dwelling, dwelling house or dwelling unit.

The existing cannabis production facility (building) on the subject lands (and second, permitted cannabis production facility) were permitted through the Building & By-law Enforcement Division prior to By-law 1126-HC/19 coming into force and effect. Prior to By-law 1126-HC/19, a building permit could be issued for cannabis production facilities provided they met the 'Agriculture (A)' Zone provisions. Given that By-law 1126-HC/19 has come into force and effect, all new cannabis production facility development must comply to the new controls and regulations listed in By-law 1126-HC/19 in addition to the 'A' Zone provisions.

As stated above, By-law 1126-HC/19 prohibits a cannabis production facility on any lot containing a dwelling. While the City of Nanticoke Zoning By-law NE 1-2000 has existing, non-conforming zone provisions, these provisions are very specific and do not permit the construction of a new cannabis operation facility (building) on a property with an existing dwelling even if there are already cannabis operation facilities (buildings) on the property with the dwelling. As such, relief from the cannabis production facility provisions is required to permit a new cannabis production facility (building) on the subject lands, which contains an existing dwelling as well as existing cannabis production facilities (buildings). The purpose of prohibiting cannabis production facilities on the same property as a dwelling is to ensure compatibility (security, odour, etc.) between land uses.

Planning staff have no concern with permitting the new cannabis production facility on the subject lands given that there is already one cannabis operation facility (building) onsite and another permitted in addition to the dwelling. As such, the interaction and relationship between the uses already exists and will not be aggravated. Also, Health Canada (Federal Government) regulates cannabis production facilities through a licencing process and allows cannabis production facilities on the same lot as a dwelling provided the cannabis production facility is not in the dwelling. Altogether, the proposal satisfies the general intent and purpose of the City of Nanticoke Zoning By-law NE 1-2000 and By-law 1126-HC/19.

Further, the applicant will be required to satisfy all other cannabis production facility and 'A' Zone provisions prior to obtaining a building permit.

3. Is the proposal considered minor in nature?

Planning Comment: There is already one cannabis operation facility (building) on the subject lands and another permitted in addition to the existing dwelling. As such, the relationship already exists and will not be aggravated. Also, permitting the new building does not violate Health Canada's regulations.

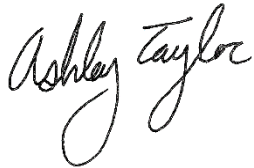
4. Is the proposal considered appropriate and compatible development?

Planning Comment: Same comment as listed under item 3.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general intent and purposes of the City of Nanticoke Zoning By-law NE 1-2000 and By-law 1126/HC-19. Therefore, planning staff recommends approval of this application subject to the conditions listed above.

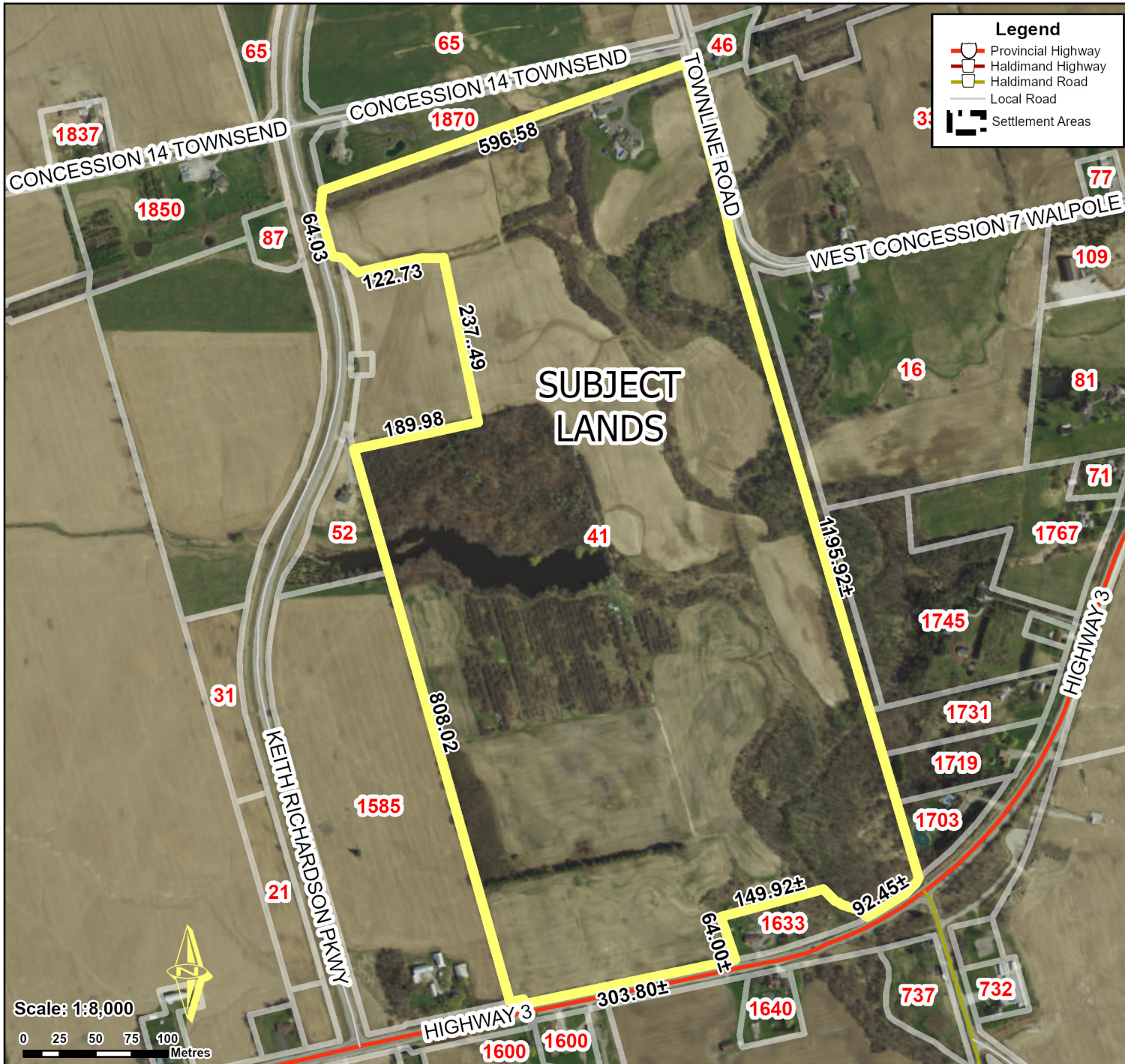
NOTICE SIGN POSTED: Two public notice signs were provided to the applicants on August 28, 2019 for posting.

Prepared by:



Ashley Taylor, RPP, M.Pl
Planner

Location Map FILE # PLA-2019-147 APPLICANT: Bluhm



Legend

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

Location:
41 TOWNLINE ROAD
GEOGRAPHIC TOWNSHIP OF TOWNSEND
WARD 1

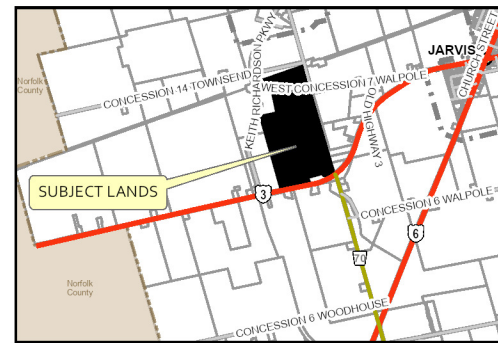
Legal Description:
TWN CON 14 PT LOT 24 PLAN D-37-5 UNITS 9 11
AND 12 PT UNIT 10 RP 37R7901 PARTS 3 TO 5
PT PART 1 RP 37R8379 PARTS 7 TO 9

Property Assessment Number:
2810 339 080 45520 0000

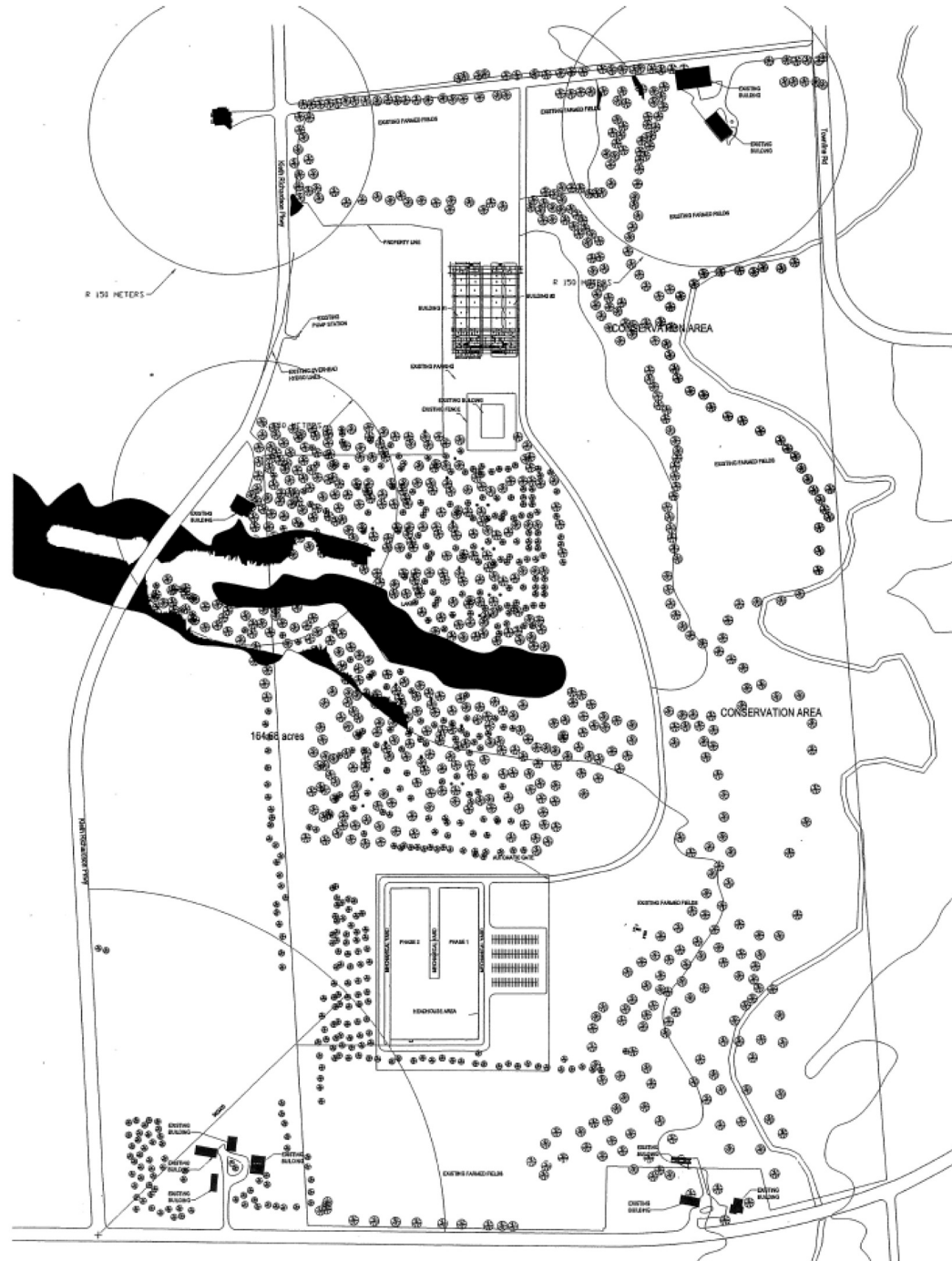
Size:
168.03 Acres

Zoning:
A (Agricultural) & HL (Hazard Lands)

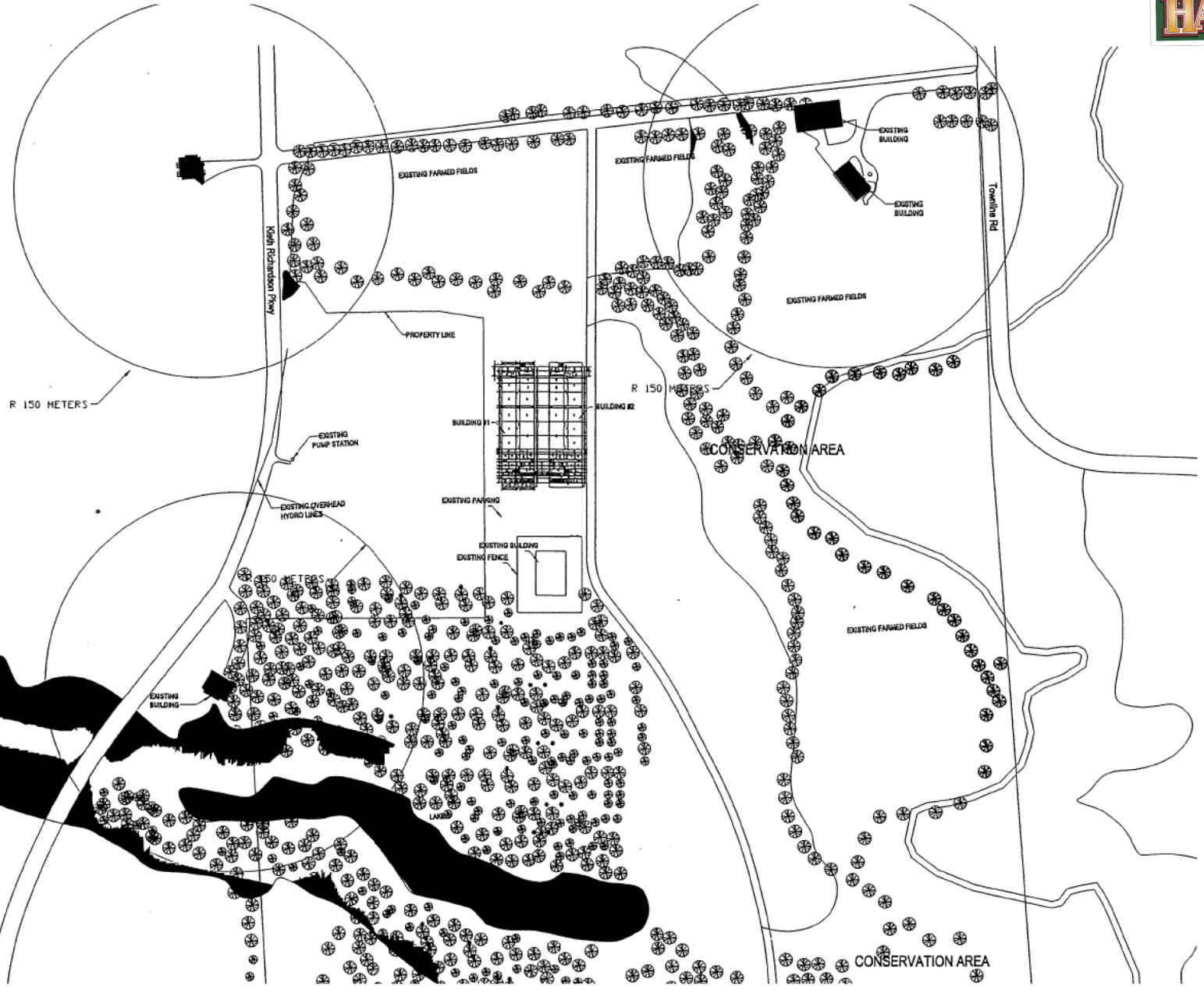
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



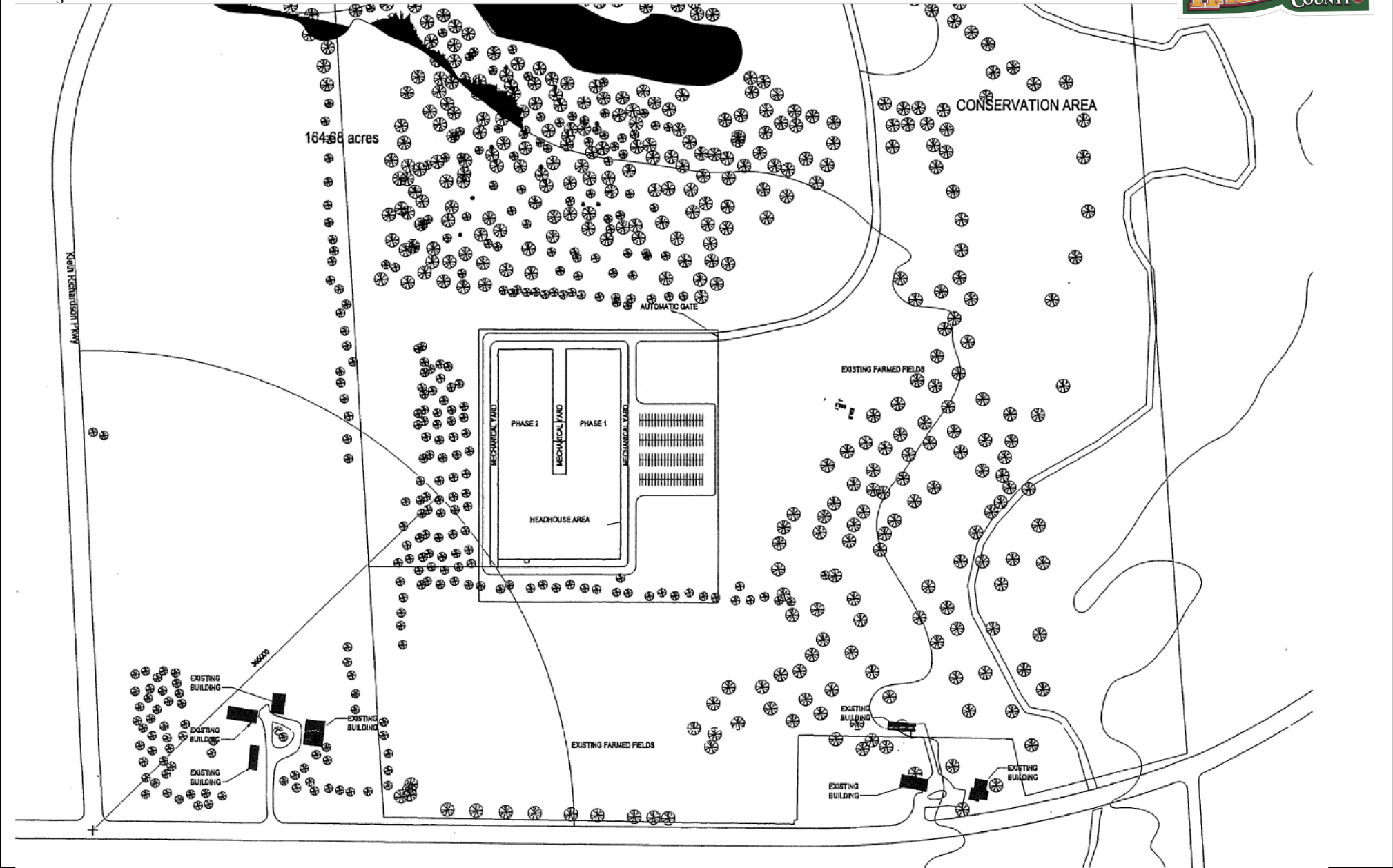
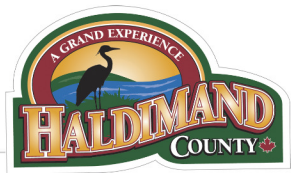
Owner's Sketch FILE # PLA-2019-147 APPLICANT: Bluhm



Owner's Sketch Part 1 of 2 FILE # PLA-2019-147 APPLICANT: Bluhm



Owner's Sketch Part 2 of 2 FILE # PLA-2019-147 APPLICANT: Bluhm





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Sign Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 10, 2019

FILE NO: PLA-2019-135

PROPERTY ROLL NO: 2810-151-006-07200

APPLICANT: JRAD Investments Inc.

AGENT: Pride Signs Ltd.

PROPERTY LOCATION: Part Lots 23 & 24, West Side of Argyle Street South, Parts 4 & 5, 18R-3531, Urban Area of Caledonia, 289 Argyle Street South

PROPOSAL: The applicants propose to erect a sign on the subject lands. Relief is requested from the provisions of the Haldimand County Sign By-law No. 1064/10 as shown below:

By-law Section	By-law Requirement	Proposed	Extent of Variance
8.10 Maximum Sign Area	11.90 square metres	15.95 square metres	4.05 square metres over

RECOMMENDATION

That application PLA-2019-135, in the name of JRAD Investments Inc., is not consistent with the intent and purpose of the Sign By-law and variance criteria. It is therefore recommended that the application not be approved.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: Not applicable.

PLACES TO GROW: Not applicable.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: Not applicable.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are zoned 'General Commercial (CG)' Zone which permits a fast food restaurant. A minor variance application was approved to allow the canopy to extend over the front patio with a setback of 1.2 metres from the front lot line.

Sign By-law 1064/10: A ground sign is permitted on the property provided the sign face is 11.90 square metres or less in size. The electronic portion of the ground sign is permitted to be 30% of the area of the ground sign. The proposal does not satisfy the variance criteria.

SITE FEATURES: The subject lands are currently vacant. Site plan approval has been granted to permit a Wendy's fast food restaurant with a covered front patio and 20 parking spaces onsite.

SURROUNDING LAND USES:

NORTH – Residential and commercial

EAST – Commercial and institutional

WEST – Commercial and institutional

SOUTH – Commercial and residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION:

Comments not received.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No requirements.

HYDRO ONE: Ensure correct clearances are maintained from Hydro One circuits within the road allowance limits.

PUBLIC: No comments received.

PLANNING RATIONALE

The Sign By-law permits ground signs in commercial zones provided the sign face is 0.3 times or less the length of the street line to a maximum of 18 square metres (194 square feet). The Sign By-law also permits an electronic message board as a component of ground signs provided the electronic message board makes up 30% or less of a ground sign.

The lot frontage of the subject lands is 39.66 metres (130 feet). As such, the sign face for the subject lands is permitted to be 11.90 square metres (128 square feet) in size and the electronic message board is permitted to be 3.57 square metres (38.4 square feet) in size. The applicant is requesting to construct a 15.95 square metre (171.7 square foot) sign face with a 4.6 square metre (49.5 square foot) electronic message board. The sign face and electronic message board are proposed to be 34% and 29%, respectively, larger than what is permitted. If the oversized sign face is permitted at 15.95 square metres, the electronic message board will be less than 30% of the sign face. As such, the applicant does not require relief from this provision as well.

The purpose of the Sign By-law provisions (height, size, component sizes, etc.) is to ensure that signs are appropriate for the character neighbourhood and / or area in which they are located and that the urban design and spaciousness of the street is maintained. Only signs that satisfy the Sign By-law provisions or variance criteria below should be approved.

That Haldimand County Sign By-law 1064/10 states that the County may on the application of a person:

- (a) authorize a variance from the provisions of this By-law where in the opinion of the County:

- i) there are special circumstances or conditions applicable to the property or building where the sign is proposed to be erected and these circumstances or conditions are not shared by others with similar properties or buildings; or,
 - ii) strict application of the provisions of this By-law would create practical difficulties or unusual hardship for the applicant; or,
 - iii) the special circumstances or conditions were not created by the applicant; or,
 - iv) approval of the variance will not alter the character of the area where it is located; and,
 - v) approval of the variance will not affect public safety; and
 - vi) approval of the variance maintains the general intent and purpose of this By-law.
- (b) authorize an amendment to this by-law to permit a sign which does not comply with this By-law.

The agent provided a letter as part of the Application for Sign Variance which states the following:

Wendy's is rebranding all of its stores nationwide and has been keeping up with the innovation of signs and future marketing techniques. To properly display their specials and promotions they require a display area like the one being proposed. Their branding is moving into electronic displays for their ground signs. Matching the sign size with these electronic units is at upmost importance with keeping their branding goals. The proposed sign would be in compliance if the street line was 53.17 m long. This is not far off from what Wendy's has, as it is only 13.65 m difference. Along Argyle Street there are numerous signs at a similar size, and installed in properties with same size street lines. There are various fast food locations in near proximity to this Wendy's location which all have similar style signs, therefore making sure the sign will not affect the neighbourhood or Argyle Street because of the similar signs in the surrounding area. The sign itself presents no risks to public safety. The signage is proposed to be in a manner which will not obstruct any sightlines for pedestrians or motorists, which will ensure that the current level of safety along this stretch of road and parking area is maintained.

To complete a fulsome review, planning staff requested that the agent and applicant provide a list of Wendy's properties where similarly sized signs with electronic message boards have been constructed. The purpose of requesting this list was to examine the similarities and differences among the subject lands and the properties on the list to determine if the County's Sign By-law is more restrictive than other municipal sign by-laws, and therefore if there opportunity to support the requested relief.

The agent and applicant provided the following properties list:

1. 78 Icomm Drive, Brantford, Ontario
2. 225 Franklin Boulevard, Cambridge, Ontario
3. 430 Hespeler Road, Cambridge, Ontario
4. 23600 Woodbine, Keswick, Ontario

All of the properties on this list appear to front onto larger and busier streets. In this location of Caledonia, Argyle Street is two lanes wide (one lane traveling north and one traveling south) and has a left turn lane. All of the properties on the list front onto streets that are four or more lanes wide (two lanes travelling one way and two lanes travelling the other way) with turn lanes. All of the properties on this list are also part of a larger plaza complex that contain other uses (banks, restaurants, stores, etc.). As such, the character of the areas in which these properties with similarly sized signs are located is different from this area of Caledonia.

Also, planning staff reviewed sign by-laws from adjacent municipalities including: Brantford, Cambridge, St. Catharines, Hamilton, Guelph, and Norfolk County. With the exception of Norfolk County's Sign By-law, Haldimand County's Sign By-law is the same or less restrictive than these municipalities' sign by-laws.

Lastly, the Wendy's sign would be the same height but wider (by approximately 0.91 metres / 3 feet) than the plaza sign directly across the road at 282 Argyle Street South which has a much larger street frontage and provides advertising for several businesses. It would also be larger than immediate signs in the area (plaza signs, LCBO sign, McDonalds sign) when compared to the street frontage of these properties.

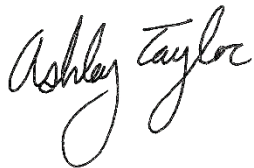
Given all of these items, it is planning staff's opinion that the requested relief does not satisfy the sign variance criteria. Therefore, planning staff recommend that this application not be approved.

However, if the Committee decides to approve this application, planning staff recommend the following conditions be applied to the approval:

1. The applicant receives approval from Hydro One and the local Building Inspector for the location of the sign with respect to Hydro One circuits within the road allowance limits; and
2. The electronic message board complies with the Sign By-law provisions. More specifically, the minimum display time for any electronic message, without movement or change in colour, shall be 30 seconds, and the intensity of illumination shall be maintained at a constant level. Animation and video is not permitted.

NOTICE SIGN POSTED: The public notice sign was not posted on August 30, 2019. Planning staff followed up with the applicant's contractor to request that it be posted.

Prepared by:



Ashley Taylor, RPP, M.PI
Planner

Location Map FILE # PLA-2019-135 APPLICANT: JRAD Investments Inc.



Location:
289 ARGYLE ST S
URBAN AREA OF CALEDONIA, WARD 3

Legal Description:
CAL PT LOT 23 & 24 W ARGYLE
RP 18R3531 PARTS 4 & 5
SUBJECT TO EASEMENT

Property Assessment Number:
2810 151 006 07200 0000

Size:
0.57 Acres

Zoning:
CG-H (General Commercial - Holding)

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.

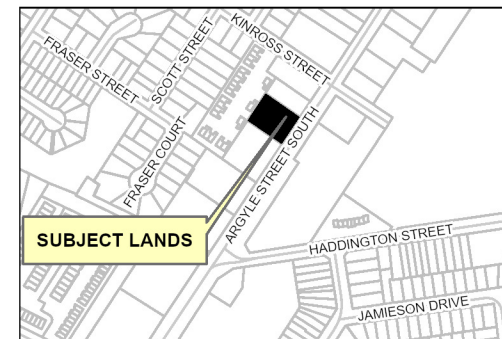
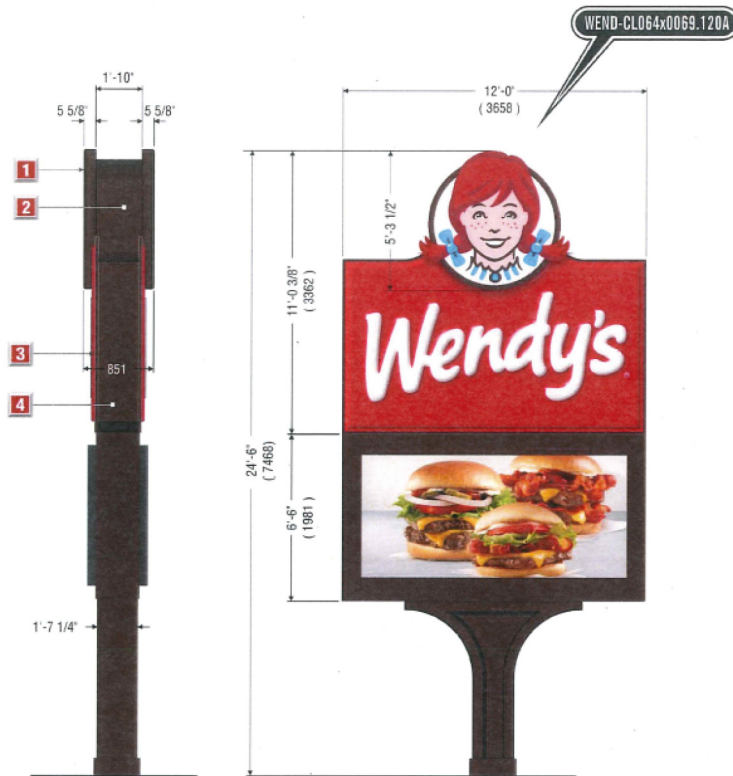


IMAGE INCLUDES MATERIAL © 2015 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED



D/S Illuminated Pylon Sign
Scale: 3/16"=1'-0"



Material Specifications

- 1 - LED illuminated Vac Formed Cameo as per Master Part # WEND-CL064x0069.120A
- 2 - .063 aluminum cover wrap to be primed and painted "Wendy's Brown"
- 3 - 3/16" Vac formed SG5 Clear acrylic Sheet / 1 1/2" draw (PAN) / 1/2" draw t/ Wendy's
- 4 - Aluminum constructed filler to be primed and painted "Wendy's Brown"
- 5 - Electronic Message Centre - 4'-9" X 10'-6" D/S 16mm Full colour (**customer supplied*)
- 6 - Fabricated Aluminum pedestal to be primed and painted "Wendy's Brown"
Note: contoured center to be set back 1"

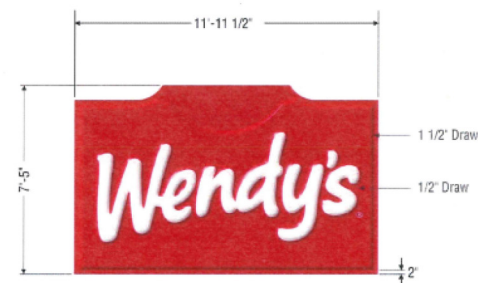
VINYL COLOURS:

- RED 3M 3630-83 / WHITE 3M 3630-20

NOTE

- ALL TRANSLUCENT VINYL APPLIED TO 2ND SURFACE OF CLEAR ACRYLIC
- SIGN BOXES ILLUMINATED WITH WHITE LED

Vacuum Formed Face Details



Drawing No.
WEND-PY006016.125A1

Electrical Requirements

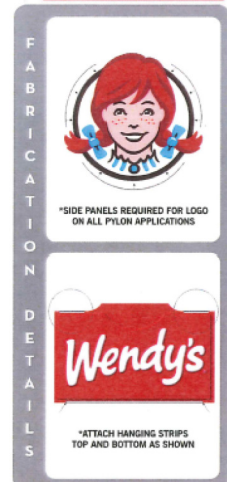
120v-240v

STRUCTURAL REFERENCE

WEND-PY032x0012.120A

CHANNEL LETTERS

SITE CHECK REQUIRED



■ Preliminary Artwork

Approved for Production



289 Argyle St. S.
Caledonia, ON



DRAWN BY: B. Guse
DATE: April 15, 2019