



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: November 12, 2019

FILE NO: PLB-2018-162

PROPERTY ROLL NO: 2810-151-007-01200

APPLICANT: Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk

PROPERTY LOCATION: Part Lots 5 & 6, South of Argyle Street South, Urban Area of Caledonia, 10 Renfrew Street

PROPOSAL: The applicants propose to sever a lot for residential purposes. The severed lands will measure approximately 22.81 metres (74.8 feet) by 25.97 metres (85.2 feet), containing an area of approximately 0.059 hectare (0.15 acre)

RECOMMENDATION:

That proposal PLB-2018-162, in the names of Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk, 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 Provincial Policy Statement encourages intensification of residential use within existing residential areas, particularly in established urban areas. The application complies.

PLACES TO GROW: The application conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated "Residential".

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are zoned Urban Residential Type 3 (R 3).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located on the north side of Renfrew Street East, east of Argyle Street South. There is a four-unit apartment building currently located on the retained portion of the property (located on the north east corner of the lot). The severed portion of the property is currently vacant.

SURROUNDING LANDS:

NORTH – Residential

EAST – Residential

WEST – Residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Required lot frontage is 12 metres, 7.57 metres is proposed for retained lands.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: A full lot grading plan is required, a 5 foot easement on the west side of property must be shown on the plan. An entrance permit required. A mutual drainage agreement may be required as severed lands drain to retained lands (storm water controls).

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Comment not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: A number of submissions, from neighbouring property owners have been received and are attached to this report

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 intent of the subject application is to sever the subject lands to create a lot that is approximately 22.81 metres (74.8 feet) by 25.97 metres (85.2 feet), containing an area of approximately 0.059 hectare (0.15 acre) and retain a lot, containing an existing apartment/four plex, with a size of approximately 0.132 hectares (0.33 acres). The lands proposed to be severed currently contains a shed as shown within the owners sketch.

Staff is aware that there is a unique history for this site as the subject property has been through previous *Planning Act* applications. Staff's understanding of the history is as follows:

- in 1987, a previous owner submitted a boundary adjustment application to the site, which was also appealed to the Ontario Municipal Board (OMB). This application was permitted by the OMB.
- In 1991, a severance application was submitted for a lot smaller than the subject proposal. This proposal was supported by planning staff, refused by the Committee of Adjustment and the owner did not appeal. The Committee did not support as they were of the opinion that the proposal was not compatible with the surrounding area, there were objections and concerns from neighbours, and the intended use was open space. No development was proposed and the site would have been left as greenspace.
- In 2001, a severance application was submitted by the current owners for a lot similar to the subject proposal. At that time, planning staff recommended approval as the proposal maintained the general intent and purpose of the Official Plan for the former Town of Haldimand regarding the severance of an urban residential lot in an infilling situation. However, the Committee, at the time, refused the application. The owners appealed the application; however, due to the owner's not meeting the OMB's request for a response regarding a related condition (i.e. a Zoning By-law Amendment) the appeal was dismissed. The OMB did not render a decision on the validity of the planning application.

Since these decisions were made on the various applications noted above, most of the applicable policy documents (the exception being the Town of Haldimand Zoning By-law 1-H-86) have been superseded by updated documents. Of particular relevance, the Province has implemented the Growth Plan and the County has updated its Official Plan to achieve conformity with same. These two policy documents place renewed and explicit emphasis on infill and intensification and require the County to identify areas for appropriate intensification and support applications of this nature. More specifically, the subject lands are within a designated intensification corridor in the County's Official Plan which is an area that is expected to accommodate higher degree of compact development in the form of infill and intensification. This application is in line with the policy intent set out in the Official Plan.

The current application was before the Committee on January 22, 2019, where Metro Loop, a utility company, expressed concern with the proposed lot creation and the impacts on their services. At that time, planning staff recommended deferral to allow the applicants the opportunity to work with Metro Loop and resolve those issues. Further to the discussion, the applicant has engaged Metro Loop and confirmed that extensive works were required should there be a need to relocate the fibre optic cables. Metro Loop noted that sample measurements of current depth of the cables would be required every 1.5 metres across the width of the proposed area of the driveway at the sole cost of the applicant / owner. From there, Metro Loops office would come to a decision on the need to relocate the cables, again at the sole cost of the applicant / owner.

Based on the above the applicant wishes to bring the application forward to Committee and pending a positive outcome, would then invest in satisfying the requirements of Metro Loop. A condition to reflect the satisfaction of Metro Loop has been included.

The subject lands are located within the 'Residential' designation, which permits all forms of residential uses and is further located within a stable residential neighbourhood, as the subject lands are located within the residentially designated portion of the built-up area and intensification area and intensification corridor of Caledonia. The Official Plan establishes policies for new lot creation within stable neighbourhoods, which speaks to maintaining similar lot frontages to adjacent uses and maintaining minimum lot sizes that are in character with adjacent uses. Planning staff are satisfied these policies are generally maintained as the lands being severed will maintain a similar lot size and frontage (if not bigger in some instances) with adjacent properties and although the fourplex will have a reduced frontage, the frontage will generally follow the width of the existing driveway. This, in staff's opinion, will not offend or limit the existing functionality of the site. Staff also notes that there is no indication that the proposed severed lands are intended for open space due to the land use designation and zoning on the site. The Official Plan also speaks to dwellings within established residential neighbourhoods and provides for a consistent relationship with existing adjacent housing forms and arrangements of these existing houses on their lots. Given the surrounding residential uses, it is planning staff's opinion that developing a single family dwelling on the subject lands will fit / blend in with the character and density of the neighbourhood.

In addition to the policies applicable within the 'Residential' designation, the subject lands are also subject to intensification policies. These policies further encourage infill development and redevelopment. Residential intensification and infilling allows for the efficient use of land and the efficient provision of urban services thereby helping to minimize the cost of providing services. Overall, this type of development is fully supported by the Official Plan land use policies.

Upon planning staff's site visit, the lands appeared to be retained in a grassed state with some trees and does not represent the typical 'active' amenity space that is seen within higher density uses. Although this land is proposed to go from primarily vacant to developed, staff is of the opinion that there is sufficient existing, public space available to the residents within fairly close proximity (i.e. the parks along the Grand River, the Caledonia splash pad to the north, and the community centre and ball diamonds to the south) to offset any perceived loss of amenity space. There is also space around the existing four plex that provides some (limited) outdoor amenity space for the residents. In relation to the 'General Criteria for Consent', planning staff are further satisfied that all of the tests are met as the existing and proposed use are permitted; thus maintaining the intent and purpose of the Official Plan and Zoning By-law; the lands are appropriately sized for existing and proposed uses; access is safe and direct via a municipally maintained and owned road (Renfrew Street East); and the lots will have access to municipal servicing.

Staff would also note that there is an existing easement in place for a water line to 76 Argyle St. S. The location of said easement will need to be considered when the lands are developed in the future (i.e. to ensure there is a sufficient setback and there is not development on the easement).

Finally, staff also reiterates that as a condition of consent, the applicants will be required to apply for a minor variance to address, at a minimum, a deficient lot frontage for the retained lot

that will result from the consent; obtain an entrance permit for the new lot; connect both the severed and retained lands to services and obtain road occupation permits and an application for water and sanitary services to do so; complete a grading plan for the severed lands; and enter into a mutual drainage agreement, if required. With regards to the lot size and frontage of the severed lands, the proposed lot meets all of the minimum zoning requirements for lot area and frontage for a single family dwelling under the 'Urban Residential Type 1-B (R1-B) zone provisions and in some cases is larger than some of the existing lots within the area. It is further staff's opinion that the retained lands with the four plex will be appropriately sized for the existing functionality of the site to continue and generally has no objections to a reduced frontage due to the unique design, and layout of the property and building.

Overall, planning staff are of the opinion that the subject proposal is consistent with the Provincial Policy Statement (2014) and the Provincial Growth Plan as this proposal represents infill development within an urban area that has all the necessary policy, zoning, and services available to support development. The subject proposal maintains the intent and purpose of the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H-86 and represents appropriate, infill development. Therefore, planning staff recommend 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 sign was not posted at the time of site inspection on October 17th, 2019.

Prepared by:



Alicia West,
Planner

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

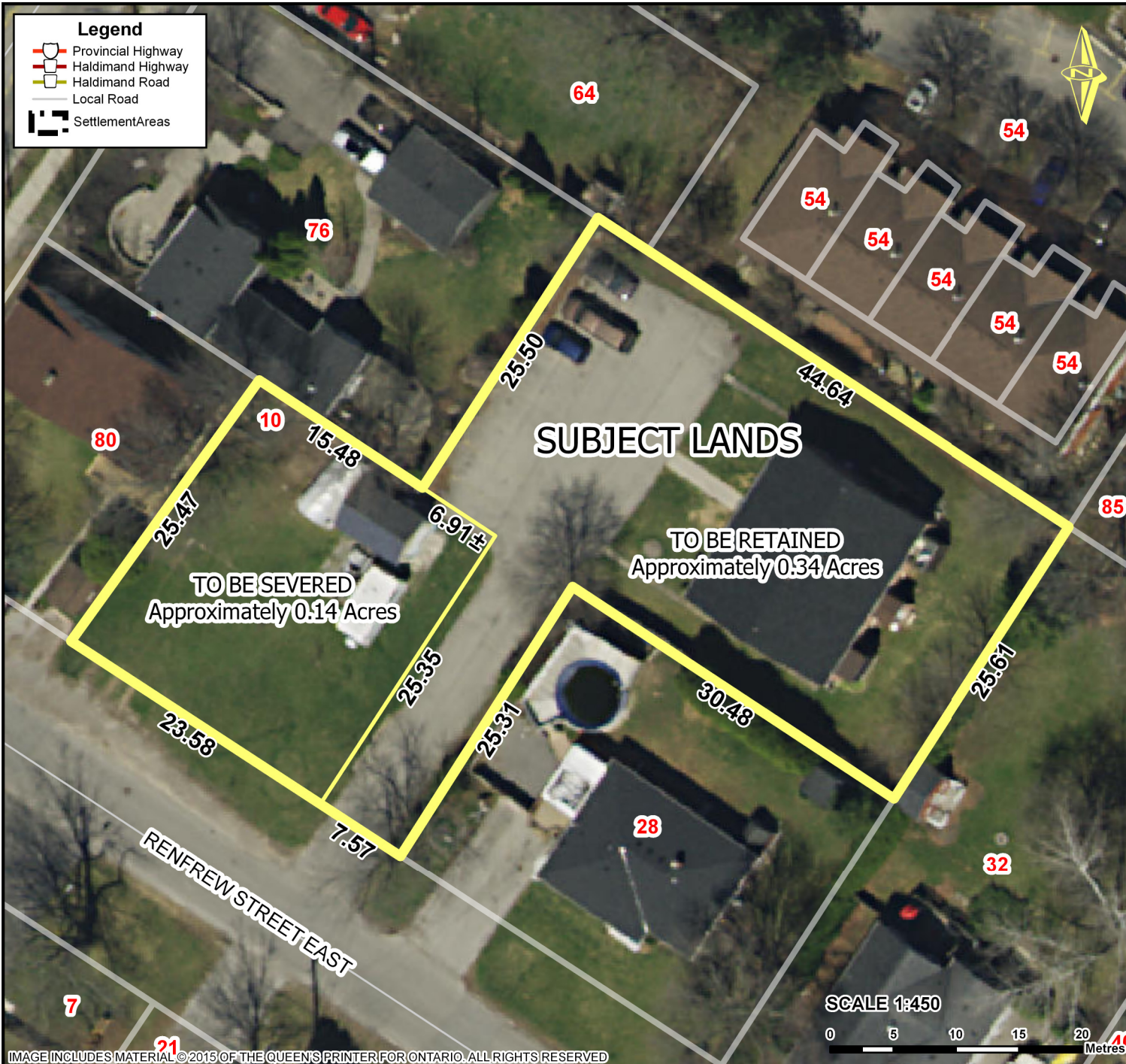
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$286.00 for deed stamping.
2. Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
3. 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. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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.
5. That the applicants work with Metro Loop with respect to the excavation and installation of a future driveway and that confirmation from Metro Loop, that their concerns have been addressed, be provided, prior to the signing of the certificate by the Secretary-Treasurer. Contact Metro Loop at (905) 667-8945 for further information.
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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 22.81 metres (74.8 feet) by 25.97 metres (85.2 feet), containing an area of approximately 0.059 hectare (0.15 acre). 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 November 12, 2020, after which time this consent will lapse.

File No. PLB-2018-162
JAKHIMETS, Natalia, Andrei & Vladimir & OLIYNYK, Svetlana
Assessment Roll No. 2810-151-007-01200

Location Map FILE # PLB-2018-162 APPLICANT: Jakhimets & Oliynyk



Location:

**10 RENFREW ST E
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

**CAL PT LOTS 5 AND 6 ARGYLE
ST S E/S RP 18R1723 PART 1
RP 18R2836 PART 1**

Property Assessment Number:

2810 151 007 01200 0000

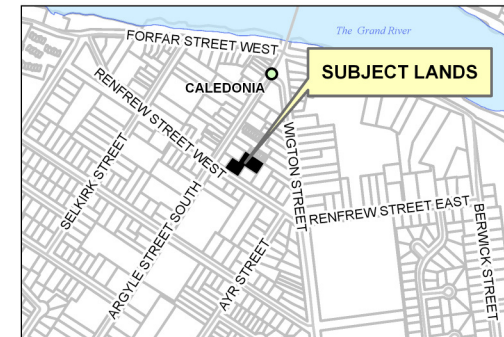
Size:

0.48 Acres

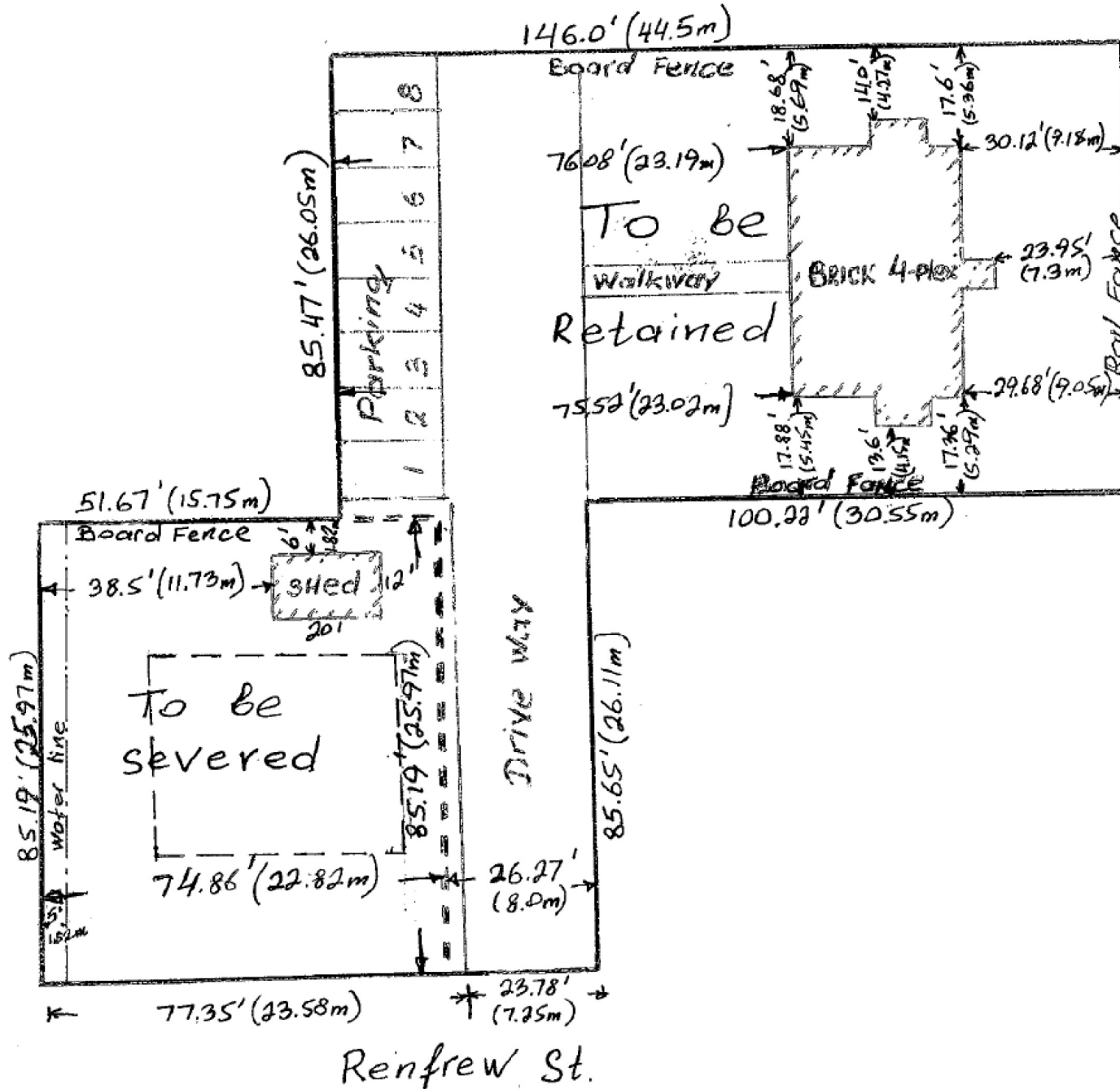
Zoning:

R3 (Urban Residential Type 3)

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-2018-162 APPLICANT: Jakhimets & Oliynyk



Rec'd
JAN 15 2019
JF

To: The Committee of Adjustment
and Secretary - Treasurer

Jan 13, 2019

Re: File No PLB-2018-162 Natalia + Anthea Takhimets
Vladimir Takhimets
Svetlana Oliynyk

My husband and I own lot 7-013 right next to the parcel of land in this application. We request that you deny this severance for the same reasons it has been denied before in 1991 (Mary + Gillespie) and 2001-2002 (same people - Takhimets).

This property was created by an OMB 1987 decision. Originally developers had plans to hook a large R4 property which fronts onto Argyle St. together with a piece of my neighbour's (lot 7-014) back yard (R3) and the Renfrew piece (R3) to build a large housing complex with a Renfrew St. access. (See map). A zoning change would have also been necessary. This was denied by the OMB.

However the OMB chairperson did allow the two properties to be joined together even though he hesitated because of the odd configuration. This gave them the square footage and frontage needed to build a four-plex. He also said it could not be split into two two-plexes. He said they could put it on either piece but the other would remain as green space necessary for the front + back yard allowances.

I respectfully ask once again that the committee abide by our 1986 for an Urban Residential Type 3 Zone. By doing this there is not enough lot frontage (only 15.13 ft) for a house. Also please notify us of your decision.

Vicki (Honey) McCarthy
M.D. McCarthy

letters to be handed in Jan 16 (Wed)
I will deliver them.

Honey (Viola) M^cCarthy,

Facts for My Neighbours

- ① First OMB decision 1987
 - allowed the two properties to be joined but could not be attached to the Argyle St property
 - 1 four plex could be built as one building they could not split it into 2 buildings
 - front parcel was needed to fulfil the frontage requirement 86 ft
 - back lot gave them enough square footage for the four plex 10,500 sq. ft.
- ② 1991 Mary + Gillespie - denied
- ③ May 2001 - Jakubovits - denied
- ④ Feb 4, 2002 - " "

If a home were built on the street-side lot it would leave only a 23 ft lane way for a four plex

Zoning By Law 1 H 86 has not changed since the previous applications
For a Four Family Dwelling
minimum lot Area is 975 sq metres (10,500 sq. ft)

minimum lot Frontage - 26 metres (86 ft)

This leaves only 15.13 ft frontage for a house

Recommendation overturned, Renfrew lot denied

By KAREN BEST
The Grand River Schem

A single home will not be built on the front yard of a fourplex property on Renfrew Street East. Haldimand County council retained the local decision making process by overturning a hung vote by the planning committee on the application. The denial was enacted despite a planning staff recommendation to approve it.

On Monday at a full council meeting, the five to one recorded vote, with only councillor Don Ricker in opposition, squashed the request. Last week councillors meeting as the Planning Committee tied two votes — one to deny and another to approve the

request. A tie vote is lost. This gave applicants, Andrei, Natalia and Vladimir Jakhimets, the right to take the zoning amendment to the Ontario Municipal Board for a decision. The family wanted to build a house on the land in question in order to be closer to their fourplex.

County planning staff recommended approval of the change pointing out the lot size was suitable for a home and that the area had a mix of single and multi residential housing.

With the decision about to be handed off to the non-elected OMB, councillor Craig Ashbaugh launched an eloquent appeal at the council meeting, asking councillors to vote in favour of refusal.

Local residents opposed the original construction of a fourplex tucked in behind the Riley home on Renfrew Street East, he told his colleagues. However, 15 years ago, the OMB allowed the construction by using a streetside lot off to the west and the south of the fourplex lot as frontage. This produced a flag-shaped property, noted Ashbaugh. He spoke of his opposition to this kind of keyhole development.

Several residents voiced their opposition at the planning committee meeting. According to Margaret Riley, who lives in front of the fourplex, the property has changed ownership several times. Almost all the owners have tried to sever

the streetside lot to build a home and neighbours have protested each application. Severing the lot contravenes the municipal bylaw requirement for frontage, she told the planning committee.

Later she said, if the property was vacant, a request to put a single family home, eight parking spots and a fourplex on it would be denied because it is too small.

If a home were built on the streetside lot, it would leave only a 23 foot wide frontage for the fourplex, pointed out Ron Schweitzer, who lives on the street. "Fire trucks and emergency vehicles will never find it," he said, pointing out its hidden location behind housing. He also objected to any proposals to sever the deep lots on

the street to allow infilling.

Allowing a zoning change will set a precedent for other backyard multi-plexes, pointed out Sharlene Wilson. Councillors Craig Ashbaugh and Lorne Boyko agreed at the council meeting that such a decision would be precedent setting.

With the recent death of councillor Bob Baigent, the planning committee now has only six members. "This process shows clearly that we have to fill this vacancy post haste," said Ashbaugh at the planning meeting. "If we had an odd number, we would have had a decision (by the planning committee)." Feb 2022

To Haldimand County Committee of Adjustment
From Andrei , Natalia & Vladimir Jakhimets

- The purpose of this letter is to bring your attention to the property on 10 Renfrew St. in Caledonia on which we propose to sever a vacant parcel of land where we intend to build a single detached house for
- ① ourselves to avoid in the future regular long trips from Hamilton to maintain our property. This should not affect the neighboring community, as we have no intention to use this land for commercial or multifamily residential purposes.
 - ② Presently, the empty lot is used only as a parking space by some of the neighbors; it is also looked at as a litter area.

We feel that by building a home for ourselves on the property we will be able to tend to the needs of our tenants and maintain the property more efficiently.

Thank You.

Sincerely, *A. Jakhimets* Andrei Jakhimets

N. Jakhimets Natalia Jakhimets

V. Jakhimets Vladimir Jakhimets

May 8 2001

- ① There have been, at least 3 houses for sale on this street including the Riley house directly in front of the four pax. This would have got them very close. Jan 14/19
- ② As I pointed out to Dan Lawrence no one ever parks on this property but street parking is used on occasion.
- ③ No one litters from our neighbourhood on that property. anything on it belongs to the Jakhimets.

Vivian (Mary) McCarthy

To whom it may concern,

My name is Eric Henschel, and I am writing in regard to FILE NO. **PLB-2018-162**. I live at Argyle St S, which is shown as lot 76, directly beside the property in question. Our lot also contains an easement running directly through said property to Renfrew St. Having lived here only 6 years, I was not aware of the previous attempts to sever this lot, and upon learning the history, I am surprised that another attempt is being made. When this was originally developed, the frontage on Renfrew was needed to allow a building the size of the fourplex to be built in behind all of the other houses. If this previous decision was made upon development, and several other applications for severance, it should be upheld.

Sincerely,

Eric Henschel

To: The Committee of Adjustment
and Secretary - Treasurer

Re: File No. PLB-2018-162 Natalia Jakhimets, Andrei
Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk

Our family lives across the street from Lots
5 & 6, South East of Argyle Street South, Part 1, 18R-
2836 & Part 1, 18R-1723, 10 Renfrew Street, we live
at Renfrew Street East. We are requesting that
you deny the request to sever the lot for
residential purposes.

It is our understanding that the frontage on
Renfrew Street is within the zoning by law 1-H86
for urban residential type 3 zone (R3) for the four
plex existing on the property. If this lot were to
be severed it would contravene the municipal
by law requirement for frontage, which in turn
could set a precedent for other back yard multi-
plexes here in Caledonia.

We feel that the past decision that no
further development of this property should be
upheld.

Thank you for your time,
Newada Lafensee
per Jesse & Newada Lafensee
Renfrew St E
Caledonia, ON
N3W 1E8

January 14, 2019

To The Department of Planning & Development

And

The Committee of Adjustment for Haldimand County

Re File No. PLB-2018-162 - Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets and Svetlana Oliylyk

To Whom It May Concern:

We live at 10 Renfrew St. E and received a letter indicating that the above named persons were applying to sever Lots 5 & 6, South East of Argyle St South, Part 1 - 18R-2836 & Part 1, 18R-1723, known as 10 Renfrew St.

Said letter, indicated that we have the opportunity to express an opinion for or against the application.

We are vehemently opposed to this application for the following reasons. Firstly, the historical precedence of denial in 1991, 2001, 2002 are clear that OMB already ruled against this matter. Since, the bylaw has not been changed the decision by this committee is clear. Please do not allow a residence to be placed on the already overloaded grid that exists in our area. Also, an increase of traffic on the street that does not have side walks would be dangerous to all. Students, seniors and families in our area have safety at a high priority.

We have been in contact with the Town Planner/Haldimand and he indicated that council cannot in good measure approve any more water/sewage services to the grid and still deliver the service that is require by existing households in our neighbourhood. Denial of this application should be swift and without consideration. In fact, the decision against this application is the only ruling that applies to this hearing.

Thank you so much for allowing us to voice our opinion against this application and we would like to be notified of the decision of the Haldimand County Committee on this matter.

Sincerely,
David and Kellie MacMillan

Residents and Property Owners of Renfrew St, E
Caledonia, ON
N3W 1E8

John G. [unclear]
Del Me [unclear]

510

Haldimand committee town planning
Regarding application from the Jakhimets for rezoning

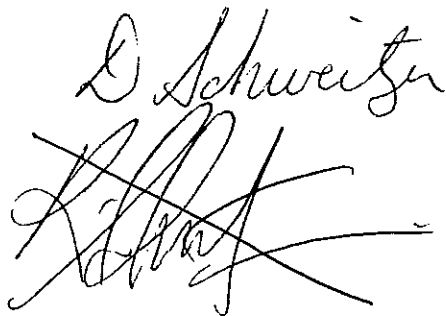
We live at Renfrew St. E in the town and Caledonia and we are strongly opposed to the rezoning of this particular property. There are several properties on Renfrew St E between Argyle and Wigton (1 block area) with the potential to do the same if this rezoning change and severance goes through one of which is beside my property.

I do not believe that a complex of this size should be able to have only 26 FEET frontage onto a roadway when bi-law states it needs 86 FEET or 26 M. Rezoning shouldn't be allowed because the severance shouldn't be considered.

Sincerely

Donna & ~~Ben~~ Schweitzer

Renfrew St. E.
Caledonia, Ontario
N3W 1 E8

A handwritten signature in cursive script, appearing to read 'D. Schweitzer', with a large, stylized flourish underneath.

Re - New Application PLB-2018-162

My concerns remain the same as above for this new application.

Nothing has changed and it was denied before.

D. Schweitzer 2019-Jan-13

May 2nd / 2001

To: The Committee of Adjustment

Re: File # B13/01-HA Andres Natalio Jarama

son the daughter of Mike and Viola McCarthy, I

am writing this letter to express my opposition to

the severance of lot 7-012. According to our

zoning By-law 1-H86 for an Urban Residential

Type 3 Zone (R3), this lot must be maintained as

the frontage required for the existing four-plex.

As the future owner of lot 7-013, I do not wish

for this By-law (1-H86) to be revised!

Jan. 14 / 2019

Re: File # PLB-2018-162

My concerns and position

remain the same

according to this By-law

and as the future property owner of lot 7-013.

JOHANNE MCCARTHY

Sincerely,

ARGYLE ST. S.

CANADONA, ON

N3W 1E5



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: November 12, 2019

FILE NO: PLB-2019-166 & 167

PROPERTY ROLL NO: 2810-151-007-06400

APPLICANT: Bryan & Anita Crowe

PROPERTY LOCATION: Part Lots 1 & 2, West of Ayr Street, Urban Area of Caledonia, 41 Renfrew Street East

PROPOSAL: The applicants propose to sever two parcels of land as boundary adjustments. In PLB-2019-166, the severed lands will measure approximately 18.29 metres by 18.29 metres and will be added to the abutting lot to the east, known as 121 Ayr Street. In PLB-2019-167, the severed lands will measure approximately 18.29 metres by 18.29 metres and will be added to the abutting lands to the east known as 127 Ayr Street.

RECOMMENDATION:

That proposal PLB-2019-166 & 167, in the names of Bryan & Anita Crowe, are consistent with the Provincial Policy Statement (2014), comply with the Province's Growth Plan, conform to the Haldimand County Official Plan, and meet the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends that these applications be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application complies.

PLACES TO GROW: The application conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated "Residential".

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are zoned Urban Residential Type 1-A (R 1-A).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located on the south side of Renfrew Street East, west of Ayr Street. There is a single detached dwelling currently located on the property. The benefitting parcels front onto Ayr Street, both of which also contain single detached dwellings.

SURROUNDING LANDS:

NORTH – Residential

EAST – Residential

WEST – Residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No comments or requirements

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 subject lands are rectangular shaped with an approximate depth of 100 metres. The purpose of the consent application is to sever two parcels measuring an area of approximately 334 square metres each to merged with the adjacent lands municipally known as 121 Ayr Street and 127 Ayr Street for personal use.

The Haldimand County Official Plan (OP) permits boundary adjustments for non-agriculturally designated lands provided that no new lot is created as a result of the boundary adjustment and does not compromise the functionality / viability of a farm. Both the subject lands and receiving lands are not located within the agricultural area, therefore no farm lands will be impacted. Additionally, no new residential building lot will be created as a result of the proposed boundary adjustment. Based on the foregoing, the boundary adjustment complies with the policies of the Official Plan.

The “R1-A” zone requires a lot area of 435 square meters and a lot frontage of 15 metres. Both the proposed severed lands and the proposed receiving lands comply with the regulations set out in the “R1-A” zone.

Based on the foregoing, 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 Nanticoke 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: The sign was posted at the time of site inspections on October 17th, 2019.

Prepared by:



Alicia West
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 Mark Assman & Jessica Rolean Bartels and further identified as Roll # 2810-151-007-06800.
4. 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 two 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.
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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 18.29 metres by 18.29 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
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 12, 2020, after which time this consent will lapse.

File No. PLB-2019-166
CROWE, Bryan & Anita
Assessment Roll No. 2810-151-007-06900

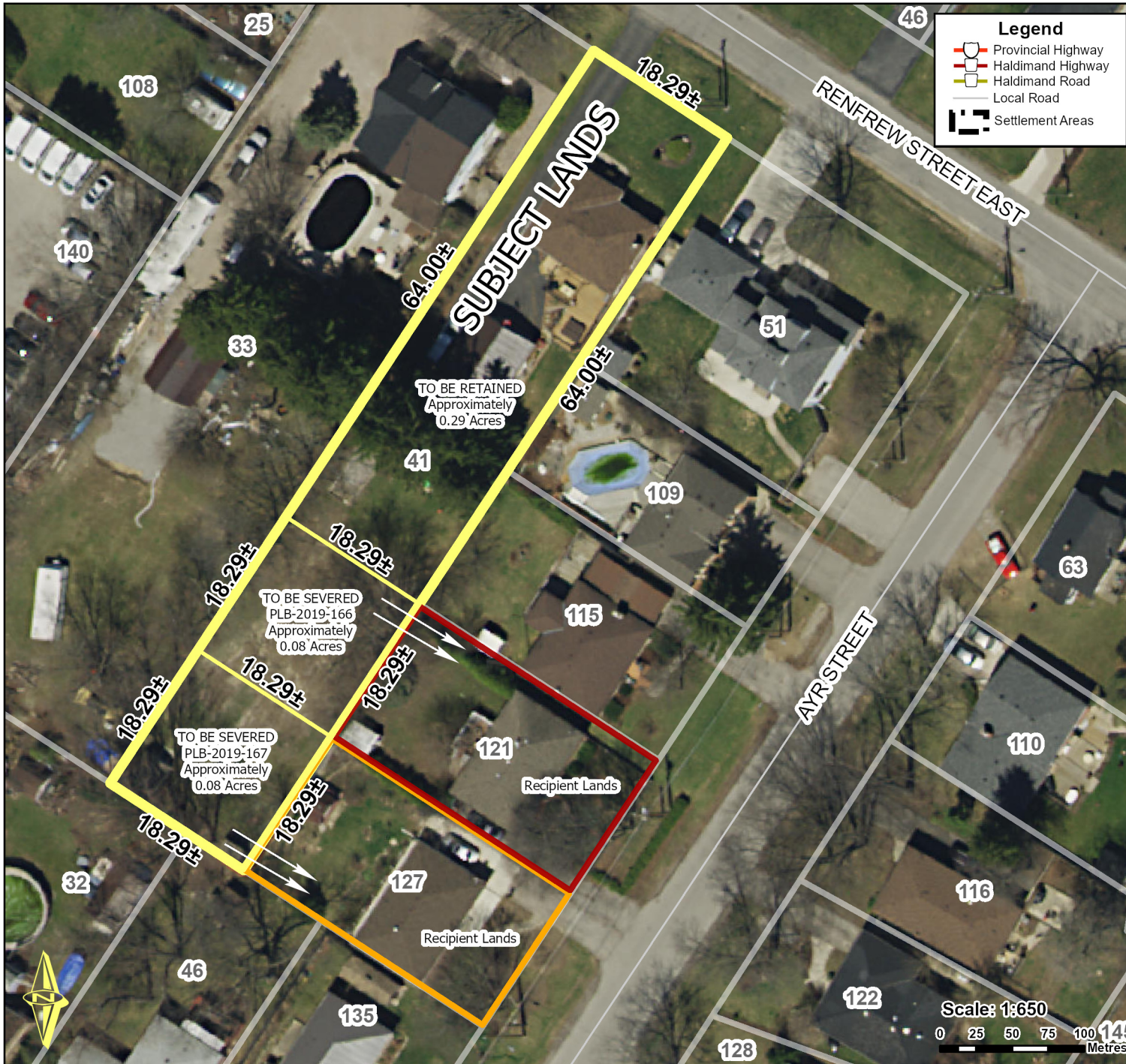
IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

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 Eli R. M. J. Anderson and Dawn Marie Anderson and further identified as Roll # 2810-151-007-06700.
4. 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 two 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.
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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 18.29 metres by 18.29 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 lfedderus@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
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 12, 2020, after which time this consent will lapse.

File No. PLB-2019-167
CROWE, Bryan & Anita
Assessment Roll No. 2810-151-007-06400

Location Map FILE #PLB-2019-166 & PLB-2019-167 APPLICANT: Crowe



Location:
41 RENFREW ST E
URBAN AREA OF CALEDONIA
Ward 3

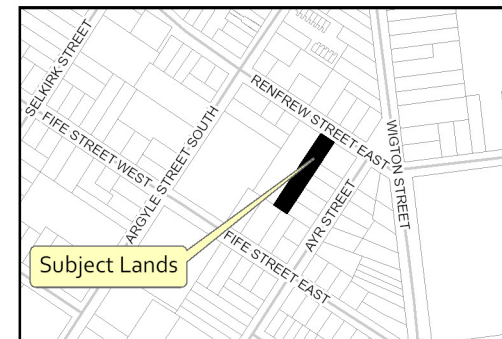
Legal Description:
CAL PT LOT 1 PT LOT 2 W AYR

Property Assessment Number:
2810 151 007 06400 0000

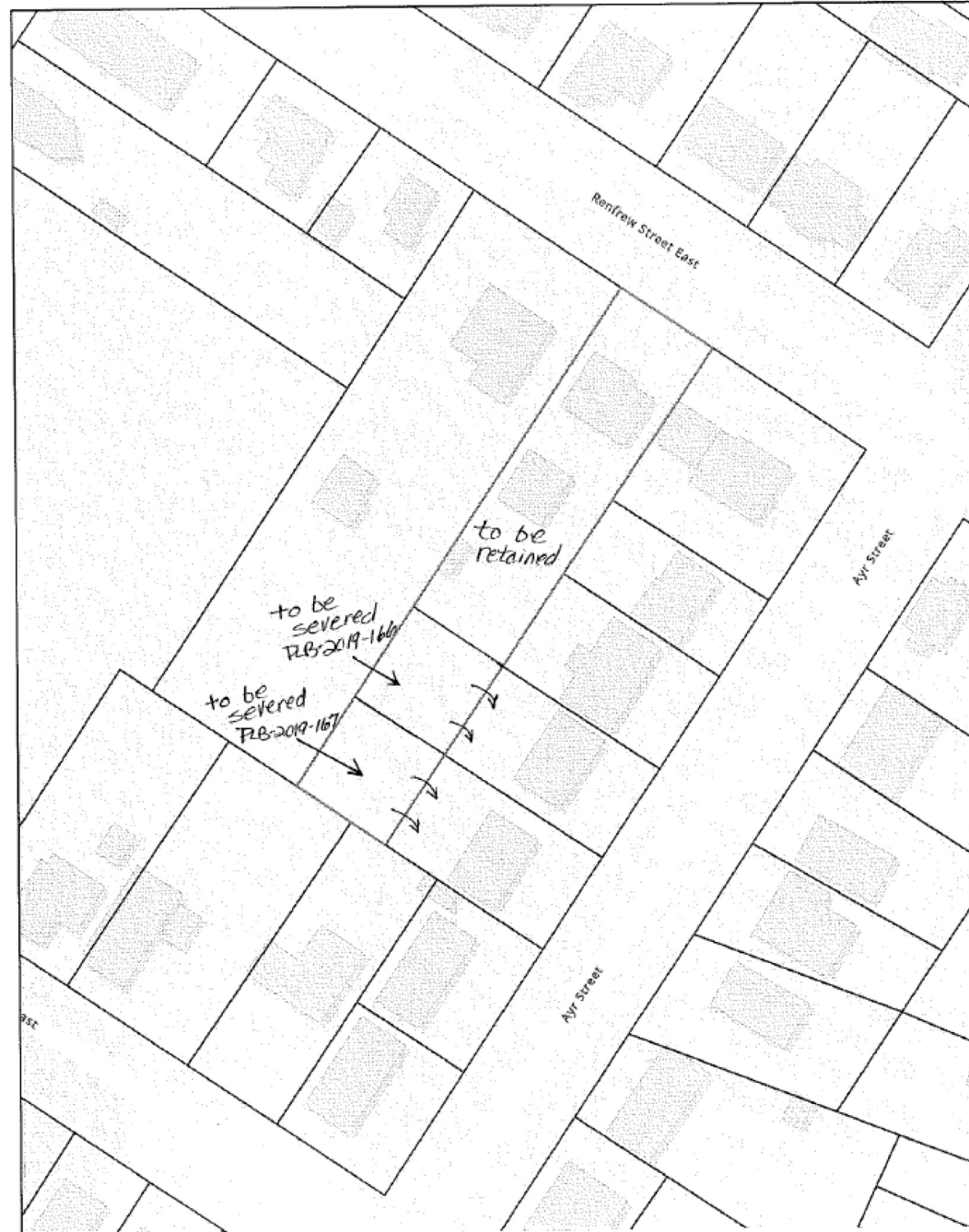
Size:
0.45 Acres

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

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



Owner's Sketch 1 of 2 FILE #PLB-2019-166 & PLB-2019-167 APPLICANT: Crowe



Owner's Sketch 2of2 FILE #PLB-2019-166 & PLB-2019-167 APPLICANT: Crowe





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: November 12 2019

FILE NO: PLB-2019-169

PROPERTY ROLL NO: 2810-023-002-15400

APPLICANT: James W. Siddall

PROPERTY LOCATION: Part Lots 13 & 14, Concession 1, Geographic Township of Moulton, 1098 and 1100 Northshore Drive

PROPOSAL: The applicant proposes to sever a 9.4 hectare parcel of land and add it to an existing lot. A residential lot containing an existing dwelling will be retained.

RECOMMENDATION:

That proposal PLB-2019-169, in the names of James W. Siddall, 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 application conforms.

PLACES TO GROW: The application conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated "Riverine Hazard Lands".

TOWN OF HALDIMAND ZONING BY-LAW 1-DU 80: The subject lands are zoned Hazzard Lands with a special exception (HL 37.25). The special exception permits a single detached dwelling.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The subject lands are located south on North Shore Drive, north of the Grand River and east of Mumby Road.

SURROUNDING LANDS:

NORTH – Residential
EAST – Residential
WEST – Residential
SOUTH – Vacant lands and the Grand River

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No comments or requirements

HYDRO ONE: No objections

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 Provincial Policy Statement permits lot adjustments for legal and technical reasons. The applicant is requesting to essentially 'swap' lands. The intent of the application is to sever the large remnant vacant parcel which is to merge in title with the lands municipally known as 1098 North Shore Drive. Both properties being 1098 and 1100 North Shore Drive are owned by the applicant. No changes are proposed on the severed or receiving lands, and there will be no anticipated impact on surrounding properties. The subject lands will continue to function without any additional impact from the proposed boundary adjustment.

Based on the foregoing, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the 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 not submitted a Public Consultation Strategy in order to satisfy the public consultation requirements as per the Provincial legislation.

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The site was posted at the time of site visit on October 16, 2019.

Prepared by:

A handwritten signature in black ink, appearing to read 'Alicia West', written in a cursive style.

Alicia West
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. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by James William Siddall & Wendy Elizabeth Siddall and further identified as Roll No. 2810-023-002-15300, if required.
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 James William Siddall & Wendy Elizabeth Siddall and further identified as Roll # 2810023-002-15300.
4. 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. 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 and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two 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.
5. That a septic evaluation for the retained 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.
6. Receipt of a copy of the registered reference plan of the retained parcel, approximately 57.8 metres by 86.33 metres, containing an area of approximately 0.44 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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 12, 2020, after which time this consent will lapse.

File No. PLB-2019-169
SIDDALL, James W.
Assessment Roll No. 2810-023-002-15400

Location Map FILE #PLB-2019-169 APPLICANT: Siddall



Location:

**1100 NORTH SHORE DRIVE
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5**

Legal Description:

**MLT CON 1 GR PT LOTS 13 14
RP 18R1401 PARTS 1 3 4**

Property Assessment Number:

2810 153 003 03500 0000

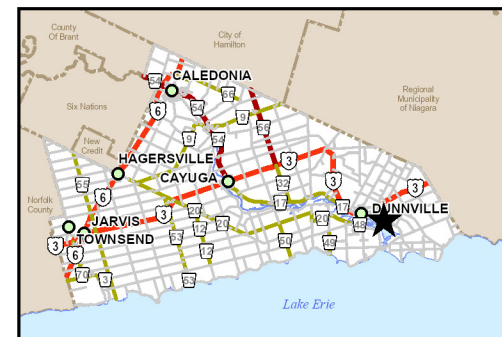
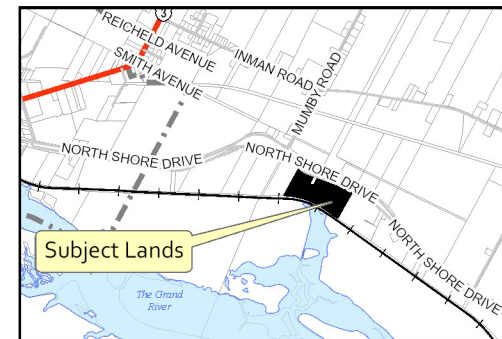
Size:

23.69 Acres

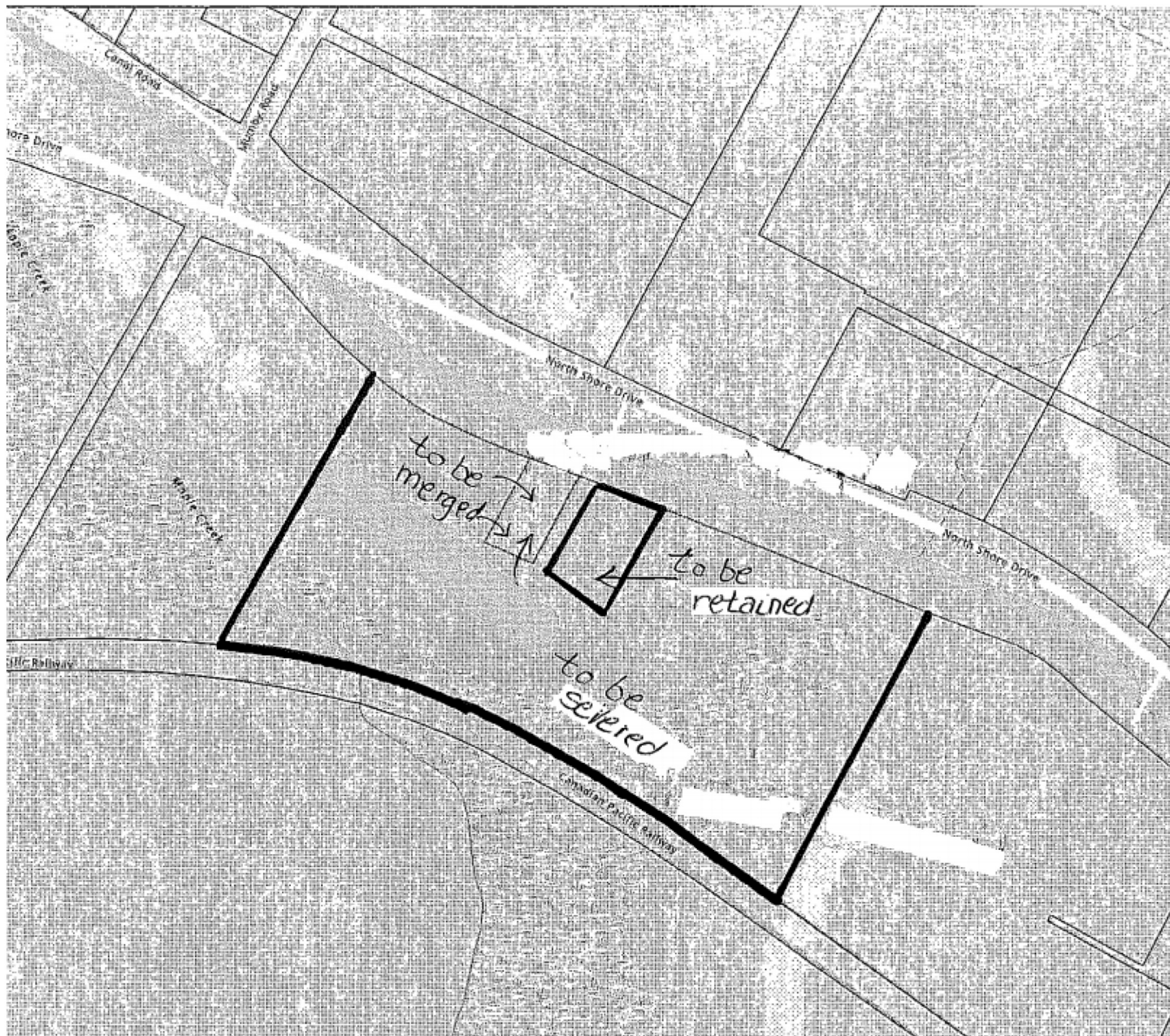
Zoning:

A (Agricultural)

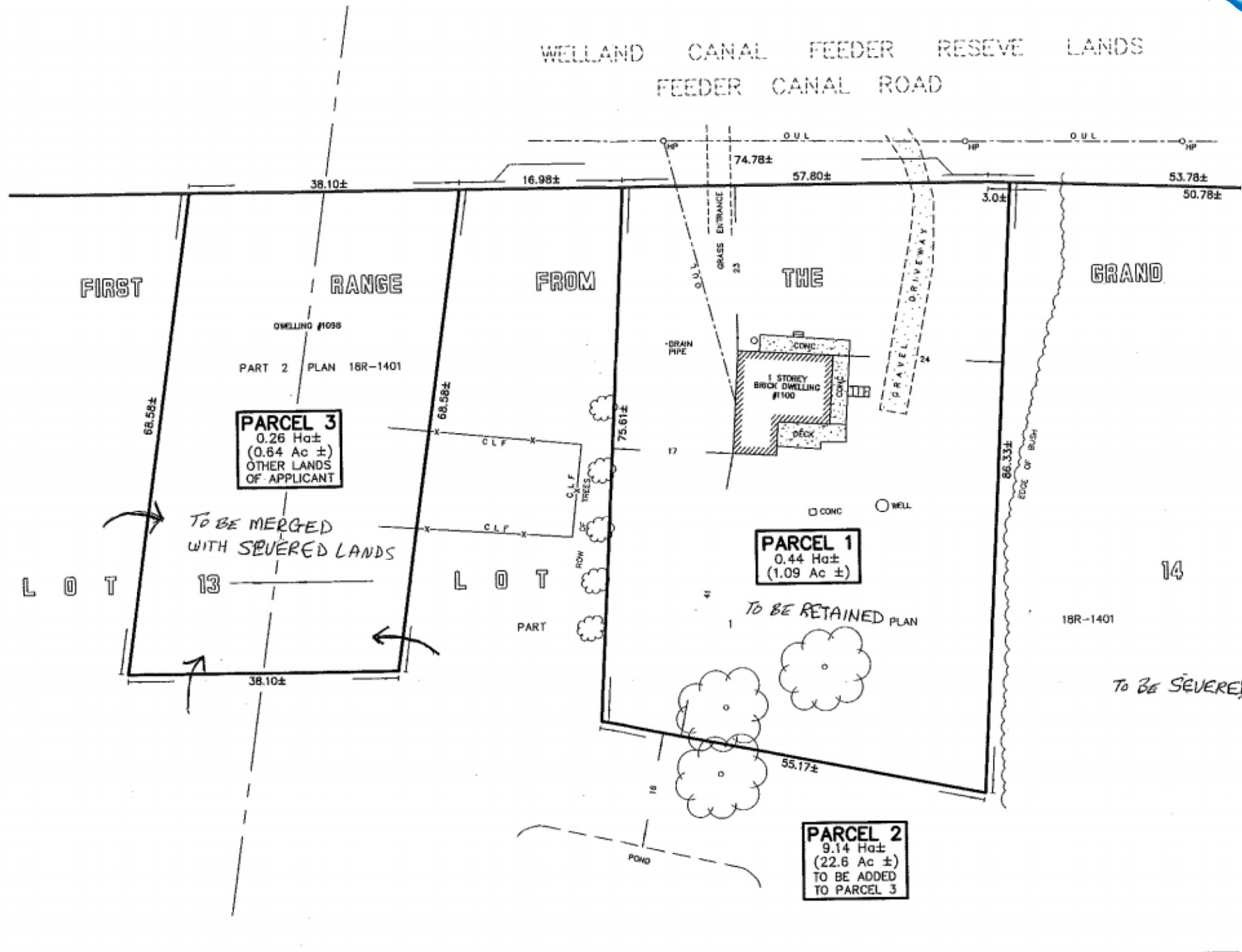
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



Owner's Sketch 1 of 2 FILE #PLB-2019-169 APPLICANT: Siddall



Owner's Sketch 2of2 FILE #PLB-2019-169 APPLICANT: Siddall





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: November 12, 2019
FILE NO: PLA-2019-132
PROPERTY ROLL NO: 2810-152-001-01500
APPLICANT: Quality Green Inc.
AGENT: Franz Kloibhofer,
AJ Clarke & Associates

PROPERTY LOCATION: Part Lot 8, Conc. 1 Southeast of Stoney Creek Road, Geographic Township of Seneca, Part 1, 18R-3037, 1201 Indiana Road East

PROPOSAL: The applicants propose to enlarge the existing building under Section 45(2)(a)(i) of the *Planning Act*. This permission is required prior to issuance of a building permit for the proposed construction.

RECOMMENDATION

That application PLA-2019-132 conforms to Section 45(2)(a)(i) of the *Planning Act*, therefore, planning staff recommends approval of this application subject to the following conditions:

1. That the development shall generally be in accordance with the attached plan;
2. That a building permit not be issued until such time as the County approves a site plan application, including execution and registration of a site plan agreement; and
3. That a building permit not be issued until such time as the proposed development is approved through the issuance of an NPCA Work Permit (Contact NPCA at 905-788-3135, ext. 248).

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent with the PPS.

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

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

BY-LAW 1125-HC/19: The proposal does not offend the intentions of the cannabis production facilities by-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: N/A

SITE FEATURES: The subject lands are located in the prime agricultural area of the County, in the former geographic township of Seneca. The subject lands front onto the north side of Indiana Road East which is a municipally owned and maintained gravel road. The subject lands currently contain Phase 1 of a cannabis production facility and 32 parking spaces. Phase 1 is 4,783 square metres (51,480 square feet) in size.

SURROUNDING LAND USES:

NORTH – Agriculture

EAST – Rural residential and agriculture

WEST – Rural residential and agriculture

SOUTH – Rural residential and agriculture

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION:

According to the acoustic assessment report, the greenhouse noise emissions will not impact the surrounding residential uses. Note that this study does not reflect actual onsite noise readings.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Information regarding Stormwater Management not provided, outlet to be determined. Entrances and parking isles undersized, truck turning analysis required. For future site plan approval, zero light spillage at any property line or frontage, external truck route, vehicle type and trip frequency to be provided. Road upgrades may be required.

Planning Comment: These matters will be addressed at the detailed, site plan stage.

NIAGARA PENINSULA CONSERVATION AUTHORITY: No objection provided a work permit is issued by NPCA.

HYDRO ONE: No comments or concerns.

UNION GAS: Comment not received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received.

PUBLIC: A letter from neighbouring property owners, Dave and Shelley Labine has been submitted. The concerns are that the expansion to the facility will affect quality of life and property value, among other things. The letter is attached to this report.

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

Background:

In 2014 the Federal Government legalized cannabis for medical purposes. When the initial legislative changes occurred (2014), Haldimand County, and other municipalities interpreted this use (i.e. the growing and production of cannabis) as an agricultural use and operation. Generally speaking, agricultural uses are intensive uses with off-site impacts (i.e. in terms of odour, noise, dust) that can vary in intensity and frequency (i.e. evenings, weekends, statutory holidays), on a seasonal basis, and on a livestock and greenhouse type basis. As such, staff considered cannabis production facilities to be an agricultural use with similar potential off-site impacts that were ultimately permitted as of right in the 'Agriculture (A)' Zone throughout the County. These uses were, until recently, subject to the 'A' Zone provisions in terms of setbacks, building heights, minimum lot area, etc. and were not subject to site plan control, consistent with other agricultural operations (greenhouse operations, livestock operations, value-retaining (simple packaging) operations, etc.).

In October of 2017 the Federal Government issued a cultivation license to Quality Green and the operation has been legally operating on the subject lands since.

On October 17, 2018 the Federal Government legalized cannabis for recreational use and production. The Federal Government through Health Canada licences all cannabis production facilities. Since full legalization of cannabis use and the introduction of permissions for production for both medical and recreational purposes, the County is experiencing an uptake in cannabis production facilities. In response to growing public concern around the increase in this type of land use and its potential for compatibility issues, primarily odour and lighting, Council directed staff to investigate and develop zoning provisions specific to the use.

On December 6, 2018 the local building inspector issued a building permit for the subject lands for the construction of the first phase (see the attached Owner's Sketch) of the cannabis production facility. The building permit was issued in accordance with the 'A' Zone provisions (minimum 0.19 hectare / 0.46 acre lot size, minimum 13 metre / 43 foot front and rear yard setback, minimum 3 metres / 10 foot interior side yard setback, no parking requirements, and no site plan control). The applicant's drawings illustrated the planned expansion (for Phases 2 and 3) but permits were not applied for and issued.

On December 11, 2018 staff provided Council in Committee with an information report (PDD-40-2018) which focused on two specific cannabis related items – cannabis retail stores and cannabis production facilities, including draft zoning provisions for cannabis production facilities. Staff provided Council in Committee with a second information report (PDD-11-2019) on March 26, 2019 containing recommended finalized zoning provisions for cannabis production facilities. The recommended zone provisions were developed following review of Federal government regulations, approaches undertaken by fourteen (14) similar municipalities, consultation with the

County's solicitor, and public consultation (advertisement in newspaper, advertisement on social media, creation of dedicated webpage, and ultimately a public meeting). Council was satisfied with the recommended zone provisions and passed three by-laws (1124-HC/19, 1125-HC/19, and 1126-HC/19) on April 1, 2019 to amend the County's three Zoning By-laws (Town of Dunnville Zoning By-law 1-DU 80, Town of Haldimand Zoning By-law 1-H 86, and City of Nanticoke Zoning By-law NE 1-2000, respectively) to establish new zoning provisions for cannabis production facilities.

The amending cannabis production facility by-laws:

- Define "cannabis production facility" and "air treatment control system". A "cannabis production facility" is defined as any building or structure licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, export and/or import cannabis for medical or non-medical purposes, including related research as defined in applicable Federal Regulation, as amended from time to time. An "air treatment control system" is defined as a system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions, including odour.
- Identify which zones cannabis production facilities are permitted in, which includes the 'A' Zone.
- Place cannabis production facilities under site plan control to allow for fulsome, detailed technical review of the proposed site alteration and development and County acceptance prior issuance of building permits.
- Require cannabis production facilities (buildings) to comply with the applicable zone provisions, such as the 'A' Zone provisions; loading spaces to be located wholly within an enclosed building; and all uses and activities associated with the cannabis production facility to take place entirely within a building.
- Establish setback requirements between a cannabis production facility and a residential, commercial, institutional or open space zone; uses on a separate lot including: a dwelling, dwelling house, dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent & trailer park or cultural facility; and any settlement boundary. The setback requirement ranges from 150 to 300 metres depending on the size of the cannabis production facility and whether an air treatment control system has been installed. Also, establish parking space requirements (1 per 100 square metres of gross floor area), a minimum lot area of 4 hectares (approximately 10 acres), and a minimum setback for all structures of 30 metres (100 feet) from all property lines.

- Prohibit outdoor storage, signage, advertising, other uses other than the growing of agricultural crops; and a cannabis production facility on a lot containing a dwelling, dwelling house or dwelling unit.

On April 23, 2019, the applicant appealed to the Local Planning Appeal Tribunal (LPAT) By-law 1125-HC/19 that Council passed to amend the Town of Haldimand Zoning By-law 1-H 86 to establish these new cannabis production facility zoning provisions in the area covered by By-law 1-H 86 (former geographic townships of Oneida, Seneca, Rainham, and North and South Cayuga). The applicant did not provide oral or written comments through the public planning process or prior to appeal. The other two by-laws (1124-HC/19 to amend By-law 1-DU 80 and 1126-HC/19 to amend By-law NE 1-2000) were not appealed and are considered to be in force and effect.

The applicant appealed the amending by-law as implementation of the new zoning provisions will prohibit the planned expansion (Phases 2 and 3) of the existing cannabis production facility from a setback and parking perspective. After the applicant filed the appeal, the applicant's team met with County staff to discuss options. County staff were clear that they would not support an application relating to the new cannabis production facility by-law unless the application could be justified from a technical perspective and addressed matters of compatibility. The applicant chose to submit an application under Section 45(2)(a)(i) of the *Planning Act* to permit the expansion of the existing cannabis production facility. To support the application, the applicant submitted a number of reports and studies which will be addressed later in this report.

Cannabis Production Facility:

Phase 1 of the cannabis production facility was permitted prior to Council passing the cannabis production facility by-law and is currently under construction. Phase 1 is 4,783 square metres (51,480 square feet) in size. Phase 1 will contain the front door; washrooms; change rooms; growing, drying and bagging area; quality control room; and shipping and receiving area.

The applicant is proposing to construct two (2) additional phases, which are the subject of this application. Phase 2 is proposed to consist of Bays 1 through 8 and will be 6,868 square metres (73,927 square feet) in size. Phase 3 is proposed to consist of Bays 9 through 16 and will also be 6,868 square metres (73,927 square feet) in size. All phases are proposed to be connected.

Bays 1 and 2 of Phase 2 are proposed to be the harvesting and trimming area. Harvesting is expected to occur once per week for one day in these Bays. Bays 3 through 16 are proposed to be the plant growing areas with plants in vegetative growth stages – plants with a negligible to low potential odour emission.

In addition to the cannabis production facility, the following is proposed: two accesses / egresses are proposed, a fire route around the building, a fire fighting water cistern, 103 parking spaces, and a septic system.

Application Request:

To facilitate Phases 2 and 3, the applicant has submitted a *Planning Act* application through Section 45(2)(a)(i). This Section of the *Planning Act* permits the Committee of Adjustment to permit, where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subsection (ii) continued until the date of the application to the committee.

The overall cannabis production facility will be 18,519 square metres (approximately 200,000 square feet) in size once fully built-out. The minimum setback requirements to adjacent uses (dwellings, etc.) listed in the new cannabis production facility by-law are based on a sliding scale, as follows:

Size of Cannabis Production Facility and Air Treatment Control System	Setbacks
Cannabis production facility with a gross floor area less than 6967 square metres with an air treatment control system	150 metres
Cannabis production facility with a total gross floor area greater than 6967 square metres and less than 9290 square metres and with an air treatment control system	200 metres
Cannabis production facility with a total gross floor area greater than 9290 square metres with an air treatment control system	250 metres
Cannabis production facility of any size where an air treatment control system is not provided	300 metres

The sliding scale approach links the amount of setback to the size of the cannabis production facility. This approach responds to the potential for impacts of cannabis production facilities as they increase in size and is consistent with how other intensive agricultural uses are addressed through Minimum Distance Separation (MDS) for livestock operations and how industry is addressed through Ministry of Environment, Conservation and Parks (MECP) industrial guidelines.

Phase 1 (the existing constructed facility) is located approximately 70 metres (230 feet) from the dwelling at 1225 Indiana Road East, 100 metres (328 feet) from the dwelling located at 1124 Indiana Road East, and 22.18 metres from the front lot line of the subject lands. If the cannabis production facility by-law had been in force and effect at the time of building permit application, Phase 1 would have had to be located a minimum of 150 metres from the adjacent dwellings as it is 4,783 square metres (less than 6967 square metres) in size and 30 metres from the front lot line. A minimum of 48 parking spaces would have had to been provided. However, Phase 1 was permitted and construction began prior to implementation of the cannabis production facility by-

law. As such, Phase 1 is considered to be a legally non-complying building in terms of zoning provisions.

To expand, Phase 1 was legally permitted and met all zoning provisions for the 'A' Zone at the time of building permit issuance but does not meet the new cannabis production facility by-law requirements that Council passed *after* issuance of building permits for Phase 1; Phase 1 is considered to be a legally non-complying building and is 'grandfathered'. The construction and use of Phase 1 has continued to the date of this application. As such, the Committee has the authority to permit the enlargement and extension of the building under Section 45(2)(a)(i) of the *Planning Act*. The applicant is requesting that the Committee permit the enlargement and extension of the existing building (Phases 2 and 3).

In addition to the matters discussed above, it is important to recognize the following items:

1. The current cannabis production facility (Phase 1) is located too close to the adjacent dwellings under current (new) standards.
2. The cannabis production facility is proposed to increase in size, which has implications in terms of the required setbacks to adjacent dwellings. If the entire cannabis production facility (including Phase 1) was proposed today, the setbacks would have increased from 150 metres (for Phase 1 alone) to 250 metres (for the entire cannabis production facility).
3. If the applicant was proposing the entire cannabis production facility (including Phase 1) today, the buildings would have to be 30 metres from all property lines and 186 parking spaces would have to be provided onsite. It appears the new phases are encroaching into the 30 metre setback. One hundred and three (103) parking spaces are proposed. Since the existing building (Phase 1) and subject lands were used for a cannabis production facility prior to passing of the new cannabis production facility by-law, the Planning Act 'grandfathers' in the previous zoning provisions for front, interior, and rear yard setbacks; and parking standards if the Committee approves the expansion.

Planning Analysis:

The Federal Government legalized the use of and licences the production of cannabis for medical and recreational use. The Federal Government did not implement standard buffering (setback) requirements for all cannabis production facilities across the Country or provide a 'toolkit' to provinces and municipalities to address compatibility issues. Further, the Provincial Government has not created a standard approach (similar to MDS for livestock and D-Series Guidelines for industrial development) that municipalities can or must implement. As such, municipalities can choose to implement land use regulations as a preventive or reactionary measure to address compatibility concerns relating to cannabis production facilities.

With little guidance from upper tier Government, some municipalities are making 'best efforts' to create land use regulations to address cannabis production facilities. The County's new provisions are based on research and public consultation.

As with all zone provisions, the new cannabis production facility provisions set the 'ground rules' for what is generally acceptable in all situations. When an applicant proposes not to meet all of the applicable zone provisions, they can apply for approval through a planning application and must demonstrate that the intention of the zone provisions is maintained. The primary intention of the setback requirement between cannabis production facilities and dwellings is to ensure that they are compatible in terms of odour. The intention of the 30 metre setback to all property lines is to provide space for movement around the buildings and to provide buffering between adjacent properties. The intention of the parking space requirement is to ensure there is enough off-street parking provided onsite to facilitate the use and to reduce the likelihood of parking on-street.

Supporting Items:

The applicant submitted the following items to support the application:

- A Planning Justification Brief prepared by Franz Kloibhofer, RPP, MCIP, Associate of A.J. Clarke and Associates Ltd.;
- An Air and Odour Emissions Review prepared by Jim Anderson, M.Eng, P.Eng, Principal of CCS Engineering Inc.;
- An Acoustic Assessment Report prepared by CCS Engineering Inc.; and
- A Parking Study Report prepared by Anil Seegobin, P.Eng., Partner, Engineer, and Jing Min, EIT, Traffic Assistant of Trans-Plan Transport Inc.

The Planning Justification Brief and Parking Study report were reviewed by the Planning & Development Division. The Acoustic (Noise) Assessment Report was reviewed by the Chief Building Official who holds a certificate from the Ministry of Environment, Climate Change and Parks (MECP) in Environmental Sound (EPA). Given the County has no internal odour experts on staff, the County hired Robin Brown, P.Eng., TSRP, QP, President of Rubidium Environmental to peer review the Air and Odour Emissions Review. A peer review is the evaluation of scientific and professional work (including methods and conclusions) by others working in the same field. Each item will be discussed below.

Planning Justification Brief:

The Planning Justification Brief is attached to this report. Planning staff accept the Planning Justification Brief.

Air and Odour Emissions Review:

The purpose of the Air and Odour Emissions Review is to demonstrate that expansion of the cannabis production facility is compatible with adjacent land uses (houses) from an odour perspective.

The Air and Odour and Emissions Review identifies that the activities occurring in Phase 1 and Bays 1 and 2 of Phase 2 have the highest odour potential. However, the odour emissions resulting from Phase 1 and Bays 1 and 2 of Phase 2 are expected to be negligible because the air in these areas will be handled through a closed loop system. This means that all of the air

that flows in and out of this part of the building will be controlled by an Air Handling Unit (AHU). The AHU filters the air coming into the building and all of the returned air via carbon filters. It is Mr. Anderson's (author of the report) opinion that the carbon filters are expected to remove odours from the air.

Bays 3 to 16 will not be entirely closed looped as there will be inlets (roof ridges, etc.) that are not filtered to allow ambient (unfiltered) air into the greenhouse (when the roof ridges are opened). A small portion of the greenhouse is proposed to have plants at the flowering stage, with a medium potential for odour emission, just before they are moved to Bays 1 and 2. However, all exhaust from Bays 3 to 16 is proposed to have carbon filtration (in the fans) and ambient carbon filters (cans, scrubbers) installed. It is expected that any exhausted air from Bays 3 to 16 will be abated or treated with carbon filters. It is Mr. Anderson's opinion that potential for odour impacts from these carbon filter exhausts from Bays 3 to 16 is expected to be very low.

It is important to recognize that County staff met with Mr. Anderson (author of the report) and Mr. Brown (peer reviewer) to set expectations and acceptable parameters for the Air and Odour Emissions Review throughout the application review process. They agreed that odour in the magnitude of 1 odour unit (OU) at sensitive receptors (adjacent houses) would be an acceptable impact because the MECP has historically accepted between 1 – 3 OUs as the threshold where complaints will likely not occur.

One (1) OU is defined as an odour where 50% of the population can detect it. The higher the OU, the more dominant the smell. At 1 OU, someone might detect that there is an odour but not be able to identify what the character of the odour is.

Mr. Anderson prepared the following two odour scenarios for the cannabis production facility:

- A. Air in Bays 1 and 2 in Phase 2 are to be exhausted through a closed loop system;
- B. Air circulation in Bays 1 through 16 (including Bays 1 and 2, which have the highest odour potential) is not closed loop. However, Bays 1 and 2 will have a closed loop system.

Mr. Anderson (author of the study) is of the opinion that, in both scenarios, the odour OU will be 1 or less at the nearby houses. Mr. Brown (peer reviewer) is of the opinion that the sources considered in Scenario A will likely not be detected at the nearby houses. It is also Mr. Brown's opinion that odours from sources in Scenario B should in general be able to achieve a limit of 1 OU but there will likely be times when odour is in excess of 1 OU at the nearby houses. Mr. Brown is of the opinion that the land uses are compatible; however, Mr. Brown recommends that the performance of Scenario B should be validated through odour validation testing within 3 months of start-up to provide an assurance in the performance of the system and to address if any further mitigation is required. Staff will include odour validation testing (and peer review, at the applicant's cost) as a condition in the future site plan agreement, which will be registered on the title of the property. This will provide legal 'teeth' to ensure the condition is fulfilled. This approach has been taken by other municipalities, including the City of Hamilton.

The consultants agree that the facility should prepare and implement an Odour Best Management Practice Plan (BMPP). The BMPP will outline work instructions, procedures, and building automation system (BAS) protocols to prevent or minimize the discharge of odour, inspection, monitoring, and maintenance procedures to prevent or minimize the discharge of odour and identify any additional measures with implementation timelines to prevent or minimize the discharge of odour from the greenhouse or the main building system. Mr. Brown recommends that the BMPP also contain a section dealing with odour complaints, and to what extent administration controls can assist in eliminating the frequency of odour impacts at the nearby receptors. County staff will include the requirement of a BMPP as a condition of the future site plan agreement and will require that it be peer reviewed at the applicant's cost.

Overall, the consultants have agreed that the land uses are compatible from an odour perspective subject to odour validation testing and further mitigation measures, if required.

Acoustic Assessment Report:

The purpose of the Acoustic Assessment Report is to demonstrate that expansion of the cannabis production facility is compatible with adjacent land uses (houses) from an odour perspective.

The Acoustic Assessment Report identifies that the significant noise source is the 64 greenhouse fans associated with the greenhouse structure with half of them (32) operating 24 hours per day. The author concludes that the greenhouse sound levels do not exceed sound level limits (set by the MECP) during the day, evening and nighttime at the identified receptors (houses).

The Chief Building Official accepts the Acoustic Assessment Report. Any noise complaints and violations surrounding the exhaust fans will result from a lack of maintenance. Maintenance requirements can be included in the BMPP.

Parking Study Report:

The purpose of the Parking Study Report is to determine whether the proposed parking supply will be sufficient for the intended uses. The Parking Study Report includes the following components:

- A review of the site parking requirements based on the Haldimand Zoning By-law;
- A review of the existing and proposed site statistics and conducting parking utilization surveys for the existing uses at the site;
- A review of future parking demands based surveys provided in the Institute of Transportation Engineers Parking Generation manual;
- Conducting a proxy site survey at a similar agricultural development to measure parking demands;
- Estimating the parking peak demand of the proposed development based on our survey results for parking demands per building ground floor area and / or number of employees;

- Confirmation that the proposed parking supply would be sufficient to meet the estimated peak parking demands at full build-out of the development.

Based on this review, the consultants conclude that the supply of 103 spaces is expected to be sufficient to support the future uses. Planning staff is satisfied given there is no retail onsite and there will be a maximum of 80 employees.

Policy:

The following key planning items were reviewed as part of the application process:

Provincial Policy Statement:

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act directs that decisions affecting planning matters “shall be consistent with” the policies of the PPS.

Through the PPS, the Province identifies that building strong communities is a Provincial Interest. According to the PPS, healthy, liveable and safe communities are sustained, in part, by avoiding development and land use patterns which may cause environmental or public health and safety concerns. The PPS also encourages major facilities (including industries) and sensitive land uses to be planned ensure that they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. The applicant’s team has demonstrated that the cannabis production facility is compatible with adjacent houses subject to conditions (implementation of BMPPs and odour validation testing).

The PPS also identifies protection and promotion of agricultural areas and activities as a Provincial interest. According to the PPS, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. Growing and production of cannabis is considered to be an agricultural use, albeit with unique concerns. The applicant’s consulting team has demonstrated that the cannabis production facility (an agricultural use) is compatible with adjacent houses subject to conditions.

The proposal is consistent with the PPS.

Haldimand County Official Plan:

The Official Plan creates the framework for guiding land use changes in the County by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial policy is implemented into the local context. Applications must conform to the Official Plan.

The OP permits enlargements of existing non-conforming uses subject to the following conditions:

- a) The extension or enlargement of the existing non-conforming use or site shall not unduly aggravate an incompatible situation by reason of odour, noise, vibration, dust, smoke, gas, fumes, interference with radio or television reception, unsightliness, inadequate parking, traffic hazards, or other incompatible features; and
- b) Neighbouring conforming uses will be protected, where necessary, by the provisions of areas for landscaping buffering or screening, appropriate setbacks for buildings and other measures to reduce nuisances; wherever feasible this policy shall apply not only to the extension or enlargement of the use or site but also to the established use in order to improve its compatibility with the surrounding area.

The subject lands are designated 'Agriculture' which permits cannabis production facilities. Passing of the new cannabis production facility by-law has made the existing cannabis production facility non-compliant from a zoning perspective. The applicant's consulting team has demonstrated that the proposed expansion to the cannabis production facility is compatible with adjacent houses subject to conditions (implementation of BMPPs, odour validation testing, and implementation of additional measures if required) with respect to odour, noise, and parking.

Conclusion:

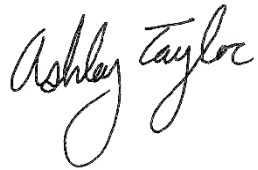
The key planning issue associated with this application relates to compatibility of the proposed use in terms of setbacks to adjacent dwellings, property lines, and parking. The principle of compatibility refers to the ability of uses to co-exist with one another without causing undue discomfort or loss of enjoyment of property. It does not mean that there should be no impacts or that adjacent uses need to be the same, but rather that any impacts are reasonable. Where issues of compatibility are dependent upon the demonstration that acceptable mitigation can be achieved through reasonable measures, the public interest requires that a complete and proper assessment of the issue and the acceptability of any such mitigation be determined before a decision is made. This analysis has been completed by the client's consulting team through submission of various technical reports, and the County and external support through a peer review approach of these submissions. Based on all the information provided, planning staff recommends approval of this application.

Next steps:

If the Committee approves this application and no appeal is filed, the applicant will be required to submit a detailed site plan application. As part of the site plan application, a site plan agreement will be required to ensure BMPP, odour validation testing, and further mitigation is implemented, if required.

NOTICE SIGN POSTED: The public notice sign was posted on October 23, 2019 in accordance with the *Planning Act* requirements.

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



July 18th, 2019

Haldimand County
Planning and Development Division
Hagersville Satellite Office
1 Main St. S, Hagersville,
ON N0A 1H0

Attn: Mrs. Laurie Fledderus - Secretary-Treasurer, Committee of Adjustment

Re: 1201 Indiana Road East, Haldimand County (Canfield)
Application for the Enlargement of a Building – Section 45 (2)(a)(i) of the *Planning Act*
– Planning Justification Brief

1.0 INTRODUCTION

The subject lands are municipally known as 1201 Indiana Road East in the County of Haldimand, and have 361.90 metres of frontage along Indiana Road, with an area of approximately 4.85 hectares. The subject lands are currently being used as a Cannabis Production Facility, and contain two existing structures. On December 6, 2018, Haldimand County issued a Building Permit for the first phase of a proposed 3 phase expansion to the existing Cannabis Production Facility. The first phase is currently under construction. The subject lands are designated as “Agricultural” within the Haldimand County Official Plan and are zoned as “A” Agricultural with the County’s Zoning By-law.

The development proposed through this application consists of the enlargement of the phase 1 Cannabis Production Facility through the addition of a 13,736 square metre greenhouse building, with associated parking areas and maneuvering space. The proposed development includes in its final phase the demolition of the two existing structures located on the western portion of the lands. Please refer to the concurrently submitted Site Plan drawing for more details.

2.0 LEGISLATIVE BACKGROUND

The purpose of this Planning Justification Brief is to provide the policy background and support for an application to the Committee of Adjustment for the enlargement of a Cannabis Production Facility under Section 45 (2)(a)(i) of the *Planning Act*. A Cannabis Production Facility is already established and operating on the western portion of the subject lands. As previously mentioned, a Building Permit Application was approved for the construction of a new agricultural building (phase 1) located on the eastern portion of the subject lands and is currently under construction. The Application before Committee would consist of an enlargement to the legally established Cannabis Production Facility (phase 1) currently under construction.



Section 34 (9) of the *Planning Act* states that:

“(9) No by-law passed under this section applies,

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or
- (b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act. R.S.O. 1990, c. P.13, s. 34 (9); 2009, c. 33, Sched. 21, s. 10 (1).”

Whereas it is common to see this Section of the *Planning Act* applied to establish a legally non-conforming use; the rights bestowed under Section 34 (9) also apply to legal non-complying performance standards. Accordingly, the provisions of Section 45 (2)(a)(i) that provide relief for the enlargement of a legal non-conforming use also apply to the enlargement of a building where performance standards have been rendered non-compliant by the passing of a by-law.

Section 45 (2)(a)(i) of the *Planning Act* does not prescribe the four-part minor variance test, as established under Section 45 (1) of the *Planning Act*. In the absence of specific statutory direction, decision-making authorities have generally applied good planning principles in deciding whether to enlarge or extend a legally established non-conforming or non-compliant structure. This is supported by the following precedents; *Brougham v. South Frontenac (Township)*, (O.M.B.) 2018 CarwellOnt 2227; *Elbasiouni v. Brampton (City)*, (ONSC) 2017 Carwell Ont 4874; *Ottawa (City) v. Capital Parking Inc.* (Ont. CA) 2002 CarswellOnt 1197. This analysis has involved consideration of questions similar to those posed by the third and fourth parts of the Section 45 (1) minor variance test:

1. Is the proposal desirable for the appropriate development of the subject lands?
2. Is its impact upon surrounding uses unacceptably adverse?

This Planning Justification Brief will provide the background context on the proposed development, and provide a planning opinion as to how the proposed development satisfies the requisite test under Section 45 (2)(a)(i) of the *Planning Act*.



3.0 APPLICATION BACKGROUND

The existing Cannabis Production Facility received a cultivation license in October of 2017 and has been legally operating on the subject lands since. On December 6th, 2018, the owner was issued a permit (permit # PRAGR20180900) to construct a new 4,783 square metre agricultural building (shell only). The owner was issued a subsequent permit (permit # PRAGR20190739) on June 14th, 2019, for the balance of the mechanical work for both the interior of the building and the mechanical equipment located on exterior pads. This represents Phase 1 of expansion of the Cannabis Production Facility and is currently under construction. The existing Cannabis Production Facility will expand its current activity into this structure upon completion.

Phase 2 and 3 of the proposed expansion consists of an additional agricultural building that will be used as a two-component 13,736 square metre greenhouse facility, with associated parking areas and maneuvering space. Phase 2 and 3 had always been considered as part of the overall expansion project of the Cannabis Production Facility and these subsequent phases were noted on the original Building Permit Application for Phase 1. Construction of the second and third phases has been intended to take place shortly after construction had been completed on Phase 1.

On April 1st, 2019, Haldimand County Council passed By-law No. 1125-HC/19 (“the New By-law”). The New By-law amended the County’s in-force Zoning By-law 1-H 86 (“the Old By-law”) to provide additional regulation for Cannabis Production Facilities. This included establishing locational criteria for a Cannabis Production Facility by restricting the zoning category where the use could be established, making Cannabis Production Facilities subject to Site Plan Control, prohibiting Cannabis Production Facilities on any lot where a dwelling unit exists, and establishing a series of performance standards that apply to Cannabis Production Facilities beyond those of the zone the facility is located within.

These additional performance standards include required setbacks to a Residential, Commercial, Institutional, or Open Space Zone, certain specific uses, and to a settlement area boundary. Additional performance standards also include specific parking requirements, limits on outdoor storage, restriction of outdoor signage, minimum lot area, minimum setback to a property line, restrictions on loading spaces, and restrictions on the location of activities associated with the cannabis production facility, among others. The New By-law also makes Cannabis Production Facilities subject to Site Plan Control under Section 41 of the *Planning Act*.

The Applicant appealed the New By-law to the Local Planning Appeal Tribunal (“LPAT”) on April 23, 2019. In the event this application is approved, the Applicant will withdraw this appeal.

Previous to the passing of the New By-law, Cannabis Production Facilities were considered agricultural operations and were regulated by the provisions of the zone that they were located



within. Accordingly, the existing operation at 1201 Indiana Road was subject to the provisions of the “A” Agricultural zone with respect to agricultural operations.

The subject lands are zoned as “A” Agriculture, and Cannabis Production Facilities are permitted within the “A” Zone of the Old By-law. Accordingly, the use is permitted on the subject lands. However, some of the performance standards imposed by the New By-law render the existing operation legally non-compliant with respect to certain performance standards: a minimum 250 metre setback to a “dwelling house” located on a separate lot; a minimum setback of 30 metres to all property lines; and a parking requirement of 1 parking space per 100 square metres of gross floor area.

As a Cannabis Production Facility was legally established and in operation prior to the passing of the New By-law an application to the Committee of Adjustment under Section 45 (2)(a)(i) can be submitted to enlarge the existing operation. Such an application would be subject to a two-part test outlined in section 2.0 of this document. The following section is the planning opinion on that test

4.0 ANALYSIS

Is the Proposal Desirable for The Appropriate Development of the Subject Lands?

The proposed development represents an appropriate development of the subject lands. A Cannabis Production Facility has been in operation on the subject lands, and is legally established. The proposed enlargement to the Cannabis Production Facility will accommodate the greenhouses required to ensure the future viability of the Cannabis Production Facility. Furthermore, a Cannabis Production Facility is an agricultural use, and the subject lands are surrounded predominantly by agricultural uses, and are located in a prime agricultural area. This is consistent with provincial level policy that encourages agricultural and agricultural related uses in prime agricultural areas, and that protects prime agricultural areas from non-agricultural development over the long-term. In essence, the proposed Cannabis Production Facility is similar to other large scale agricultural production facilities, greenhouses, and farming operations that can be found throughout the agricultural area of Haldimand County and represents a desirable form of development for the subject lands.

Is its Impact Upon Surrounding Uses Unacceptably Adverse?

Through an analysis of the proposed enlargement and through discussions with County Staff, the Applicant has completed a series of technical studies that address any potential adverse impacts that may be imposed on surrounding uses by the proposed development. These impacts are related to odour, noise, parking, light trespass, and security. Each of these impacts will be discussed in greater detail below.



Odour

In support of the subject application, the Applicant retained a qualified professional to conduct an Air Odour Emissions Review of the proposed development. An Air and Odour Emissions Review Report, dated May 30th 2019, was prepared by CCS Engineering Inc. and is concurrently submitted. This report evaluated the anticipated air odour emissions to be generated by the proposed development against the applicable air standards. The review considered the facility operations emission sources, emission controls and abatement, and the location of nearest sensitive receptors (houses) from the facility. This included conducting a detailed review of the building and mechanical system design drawings, design briefs and equipment specifications.

The report makes the following recommendations and conclusions:

“We recommend that in addition to the building AHU/building automation system (BAS) controls system, and the greenhouse carbon filter and odour neutralizing fogging system, that the facility prepare and implement an Odour Best Management Practice Plan (BMPP). This plan should outline work instructions/procedures/BAS protocols to prevent or minimize the discharge of odour, inspection/monitoring/maintenance procedures to prevent or minimize the discharge of odour and identify any additional measures with implementation timelines to prevent or minimize the discharge of odour from the greenhouse or the main building system.”

With the installation of the main building air handling and carbon filter system, the greenhouse combination of carbon filtration and odour neutralizing fogging system, and the development and implementation of a BMPP, the Quality Green facility located at 1201 Indiana Road East, Canfield ON, air and odour emissions are not expected to impact surrounding neighbours.”

Accordingly, the proposed development is not anticipated to have any adverse odour impacts on surrounding sensitive receptors, including nearby single detached dwellings. In addition to the existing mitigative measures outlined in the submitted report, the report recommends that an Odour Best Management Practice Plan (BMPP) be developed and implemented by the facility. As the proposed development will now be subject to Site Plan Control per section 41 of the *Planning Act*, this plan could be prepared and submitted for review to the County through the Site Plan Control process.

Based on the foregoing, the proposed development will not impose unacceptable adverse impacts on the surrounding uses from an odour perspective.

Noise

In support of the subject application, the Applicant retained a qualified professional to conduct an Acoustic Assessment of the proposed development. An Acoustic Assessment Report, dated July 4th, 2019, was prepared by CCS Engineering Inc. and is concurrently submitted. This report evaluated the anticipated noise emissions to be generated by the proposed development against



the applicable noise impact standards (NPC-300). The review considered the noise sources of the operation of the proposed greenhouses, which included the greenhouse exhaust fans, and modeled the noise impacts of these sources on the nearest sensitive receptors (houses) from the facility. This included conducting a detailed review of the building and noise data for the exhaust fans.

The report makes the following recommendations and conclusions:

“The sound level calculated at each receptor is compared to the applicable performance limits defined for the sound environment surrounding the receptor. The sound level at each receptor indicates that the receptors are not impacted by Quality Green greenhouse operations.”

Based on the noise data and operation sequence estimates, the noise emissions meet NPC limits from greenhouse operations at the identified receptors.”

Accordingly, the proposed development is not anticipated to have any adverse noise impacts on surrounding sensitive receptors, including nearby single detached dwellings and comply with NPC limits for greenhouse operation.

Based on the foregoing, the proposed development will not impose unacceptable adverse impacts on the surrounding uses from a noise perspective.

Parking

In support of the subject application, the Applicant retained a qualified professional to conduct a Parking Study of the proposed development. A Parking Study Report, dated June, 2019, was prepared by Trans-Plan Transportation Engineering and is concurrently submitted. This report evaluated the anticipated parking demand to be generated by the proposed development and whether the parking being supplied on-site was sufficient to satisfy anticipated demand. The Report used several methods to generate the anticipated parking demand for the proposed enlargement. This included evaluating the proposed development against the Institute of Transportation Engineers Parking Generation manual, a parking survey at the existing facility, and a parking utilization survey at a similar proxy site. These results were then used to determine whether the proposed supply (103 spaces) was sufficient to satisfy the anticipate parking demand generated by the proposed development.

The report concluded that based on the analysis, *“the proposed parking supply of 103 spaces is expected to be sufficient to support the future uses at the proposed agriculture shell building development.”*



Based on the foregoing, the proposed development will not impose unacceptable adverse impacts on the surrounding uses from a parking perspective.

Light Trespass

Light Trespass was also identified as imposing a potential adverse impact. Many greenhouse facilities rely on artificial lighting systems for their operations. The proposed greenhouses are no exception. The client has states that the wall of the greenhouses are opaque and only the ceiling of the greenhouses are transparent, to permit a sufficient amount of light to enter the building during daylight hours. During the evening and overnight, artificial light may be used as a substitute for natural light for crop growth. In order to mitigate any potential impact associated with the use of artificial lighting during the evening hours/overnight, the greenhouses will be equipped with a retractable “blackout” curtain that will be extended over the transparent portion of the building while artificial light is being used. This will eliminate any adverse impacts or light pollution associated with the artificial lighting used within the greenhouse.

In terms of other sources of lighting, the proposed development will have limited outdoor lighting for the outdoor parking areas and for security purposes. These outdoor lighting sources can be appropriately designed and evaluated through a photometric analysis at the Site Plan stage to ensure the lighting levels meet the applicable municipal standards and that no adverse impacts are imposed on neighbouring properties.

Based on the foregoing, the proposed development will not impose unacceptable adverse impacts on the surrounding uses from a lighting perspective.

Security

Security was also identified as imposing a potential adverse impact. The existing and proposed Cannabis Production Facility is required to meet certain physical security measures, which includes physical barriers, monitoring and detection systems. In discussion with the Applicant, the proposed Cannabis productions facility will meet and/or exceed the security requirements imposed on Cannabis Production Facilities by the federal government.

Based on the foregoing, the proposed development will not impose unacceptable adverse impacts on the surrounding uses from a security perspective.



5.0 CONCLUSION

Based on the above analysis, we offer the following planning opinion:

- The proposed development satisfies the Section 45 (2)(a)(i) *Planning Act* test for the enlargement of a building in that:
 - the proposed expansion is desirable for the appropriate development of the subject lands.
 - the proposed expansion does not impose any unacceptably adverse impacts on surrounding uses.
- The proposed development represents good planning.

Sincerely,

Franz Kloibhofer, Associate, RPP, MCIP
A.J. Clarke and Associates Ltd.

Location Map FILE # PLA-2019-132 APPLICANT: Quality Green Inc.



Legend

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



Location:
1201 INDIANA ROAD EAST
GEOGRAPHIC TOWNSHIP OF SENECA
Ward 4

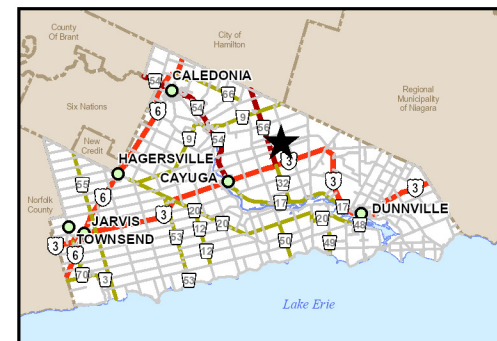
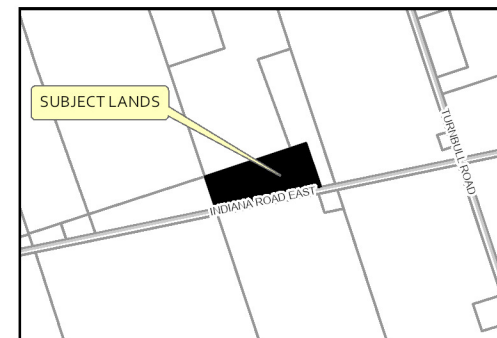
Legal Description:
SEN CON 1 SESCR PT LOT 8 N
INDIANA RD RP 18R3037 PART 1

Property Assessment Number:
2810 152 001 01500 0000

Size:
12.00 Acres

Zoning:
A (Agricultural)

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-2019-132 APPLICANT: Quality Green Inc.



PLAN OF SURVEY SHOWING TOPOGRAPHICAL INFORMATION
PART OF SOUTH 1/2 OF LOT 8
CONCESSION 1, SESC
GEOGRAPHIC TOWNSHIP OF SENECA
HALDIMAND COUNTY

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

FOR SITE GRADING INFORMATION REFER TO DRAWINGS PREPARED BY URBAN WATERWORKS GROUP LIMITED.

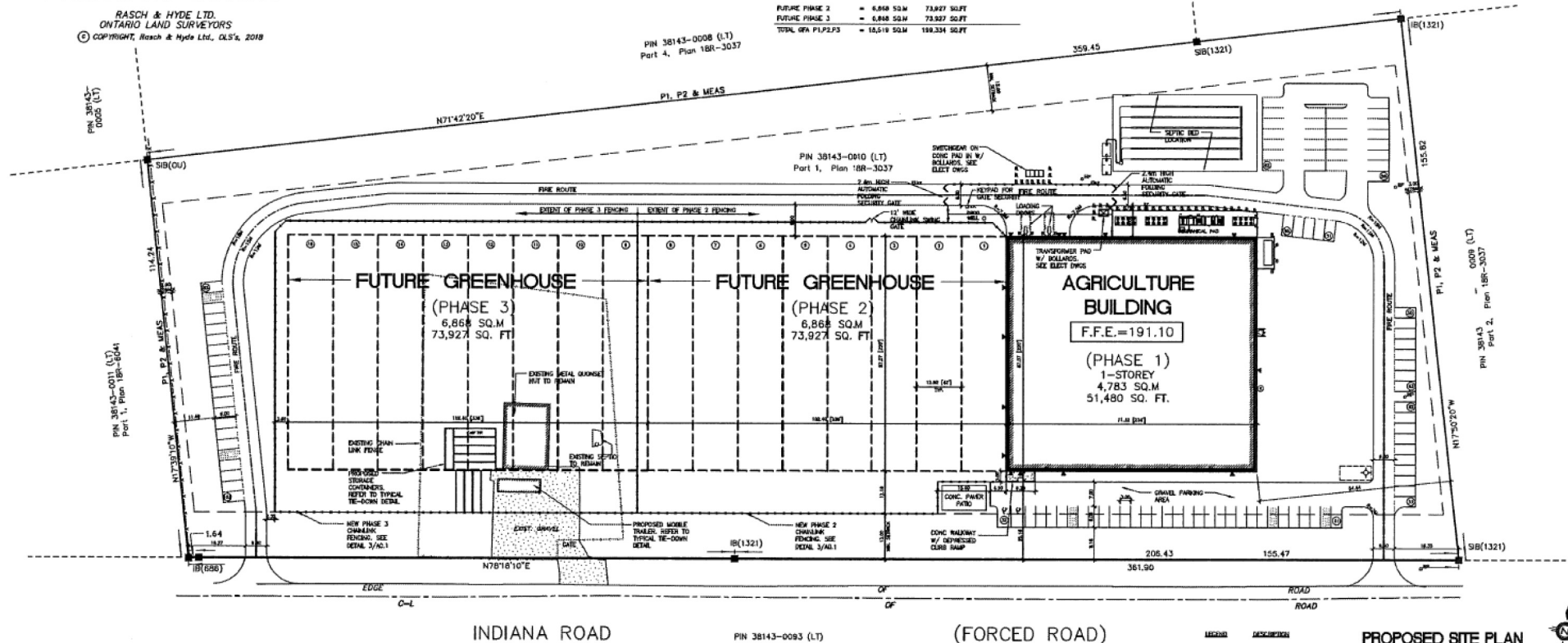
SITE SUMMARY

GRA		
EXISTING QUONSET HUT	= 216 SQ.M	2,337 SQ.FT
PHASE 1	= 4,783 SQ.M	51,680 SQ.FT
TOTAL	= 5,028 SQ.M	54,117 SQ.FT
LOT AREA	= 40,539 SQ.M	
SIZE COVERAGE	= 10.35% PHASE 1 25% PHASE 2 35% PHASE 3	
FUTURE PHASE 2	= 6,868 SQ.M	73,927 SQ.FT
FUTURE PHASE 3	= 6,868 SQ.M	73,927 SQ.FT
TOTAL GRA P1,P2,P3	= 18,519 SQ.M	199,334 SQ.FT

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ONTARIO LAND SURVEYORS
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PIN 38143-0008 (LT)
Part 4, Plan 18R-3037

PIN 38143-0009 (LT)
Part 3, Plan 18R-3037



INDIANA ROAD

PIN 38143-0093 (LT)

(FORCED) ROAD

LEGEND
▲ DEVICES MAIN DOOR
△ DEVICES 0/1H DOOR

PROPOSED SITE PLAN

SCALE 1 : 500
0 5 10 20m



Dave and Shelley Labine

November 4, 2019

Laurie Fledderus
 Secretary-Treasurer
 Committee of Adjustment
 Haldimand County
 Department of Planning and Development
 PO Box 129, 1 Main Street South
 Hagersville, Ontario N0A 1H0

RECEIVED

NOV 04 2019

HALDIMAND COUNTY PLANNING DEPT.

RE: FILE NO. PLA-2019-132 Quality Green Inc.

This letter is in response to the notice sent to us regarding the applicant's proposal to enlarge the existing building that is very near to our property.

We are respectfully requesting that this variance be denied. The continued growth of this cannabis operation will cause a devastating loss to our quality of life and to the value of our home.

The site in question has been an on-going concern since early 2018 when we realized that a large cannabis operation was planned. The concerns grew when we learned that there were no by-laws in place to protect neighbouring landowners even though recommendations to implement such by-laws were made to council as far back as 2015.

After many inquiries by the taxpayers living near to this site were made and many concerns were relayed to our ward representatives and to council, by-laws were finally put in place this past April. Unfortunately, this was not done in time to prevent the very large building (4,783 SQ.M.) that has recently been constructed only 60 metres from our property.

By-laws are made to protect neighbouring homeowners from intrusions that cause a decrease in quality of life and property value, among other things. The current by-laws state that "A cannabis production facility with a total gross floor area less than 6,967 square metres and with an air treatment control system" is to be set back no less than 150 metres from a neighbouring property. If the current facility is allowed to be enlarged, it will actually be subject to the even greater required setback of 200 metres or even 250 metres.

We are dealing with a large cannabis operation and all of the potential light, stink and noise that will come with it. This large and unsightly operation will also mean greatly increased traffic directly in front of our home. The result will be an enormous devaluation of our property and quality of life.

The applicant, Quality Green, has previously been less than transparent to their neighbours and to our ward representative regarding their plans. There has been no indication that they wish to work respectfully within our community.

Now that Haldimand County has put by-laws in place to protect taxpayers from the emerging cannabis operations its citizens now find themselves dealing with, we all expect that these by-laws will be enforced. If this variance is allowed, what does that say? It says that anytime a large business wants to go against a by-law all they have to do is ask. Please help us to continue to enjoy our home in the beautiful place we chose to raise our family.

Please note that we are also requesting to be kept informed of the decisions made by council regarding this request. Thank you very much.

Sincerely,

Dave and Shelley Labine



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: November 12, 2019
FILE NO: PLA-2019-160
PROPERTY ROLL NO: 2810-152-003-10200
APPLICANT: David Tansley
PROPERTY LOCATION: Lots 4 & 5, Plan 216, Geographic Township of Seneca, 65 Front Street South

PROPOSAL: The applicant proposes to enclose a small storage structure and incorporate it into a retaining wall. Relief is requested from the provisions of the Hamlet Residential Zone of Zoning By-law 1-H 86 as shown below

Development Standards	Required	Proposed	Deficiency
Rear Yard	9 metres	5.4 metres	3.6 metres

RECOMMENDATION

That proposal PLB-2019-160, in the names of David Tansley, 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. It is also considered minor in nature an appropriate development of the lands therefore, planning staff recommends that this application be approved, subject to the following condition:

1. The development shall be in accordance with the attached sketch.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application conforms.

PLACES TO GROW: The application conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated "Hamlet" within the Official Plan.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The lands are zoned Hamlet Residential (HR).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The subject lands are located on the east side of Front Street South, north of Water Street and west of Merritt Street and feature unique topography of the land. There is a sharp change in elevation adjacent to the driveway and garage from the entrance and proposed enclosure and then continues with a gradual slope towards Front Street South.

SURROUNDING LAND USES:

NORTH – Residential

EAST – Residential

WEST – Park and Grand River

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No objections or requirements

HYDRO ONE: No objections

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 “Hamlet” within the Haldimand County Official Plan. A single detached dwelling is a permitted form of development within this designation. The applicants are seeking relief from the Zoning By-law to enclose a storage area at the rear of the existing dwelling. Based on the foregoing, it is

staffs opinion that the application is in keeping with 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 subject lands are zoned 'Hamlet Residential' (RH). The 'RH' Zone permits single detached dwellings. The application to enclose a storage area and incorporating it into the retaining wall will not exceed the maximum lot coverage permitted on the lands. The applicants are seeking relief from the provisions of the zoning by-law pertaining to the rear yard setback of a 5.4 metres, whereas 9.0 metres is required. The requested variance maintains the intent of the zoning by-law since adequate amenity space will be maintained within the side yard as well as the front yard and will have no negative impact on the existing character of the neighbourhood. Based on the foregoing, it is planning staff's opinion that the proposed reduction in the side yard setbacks maintains 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 within the built boundary of York. The applicants are proposing to enclose a storage area and incorporate it into the retaining wall, relief is required for the deficient rear yard setback. The development is appropriate since the enclosure will not alter the existing drainage nor have a negative affect on adjacent properties and will maintain the character of the existing neighbourhood.

Based on the foregoing, 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 Haldimand Zoning By-law 1-H 86. Therefore, planning staff recommends approval of this application.

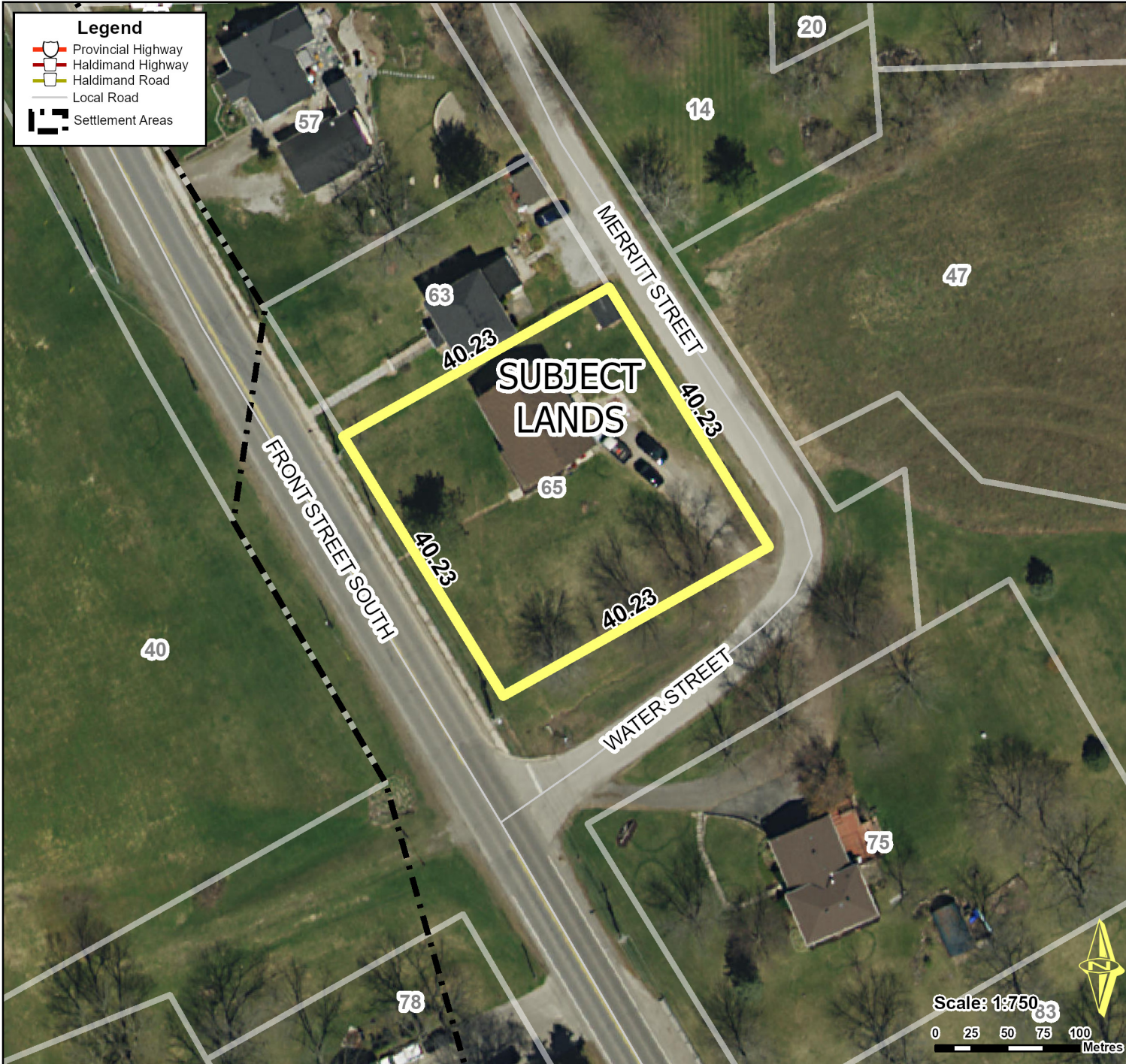
NOTICE SIGN POSTED: The sign was posted in two locations at the date of site inspections on October 16, 2019.

Prepared by:



Alicia West
Planner

Location Map FILE # PLA-2019-160 APPLICANT: Tansley



Location:

**65 FRONT STREET
GEOGRAPHIC TOWNSHIP OF SENECA
Ward 4**

Legal Description:

SEN PLAN 216 LOT 4 TO 5 E INDIANA ST

Property Assessment Number:

2810 152 003 10200 0000

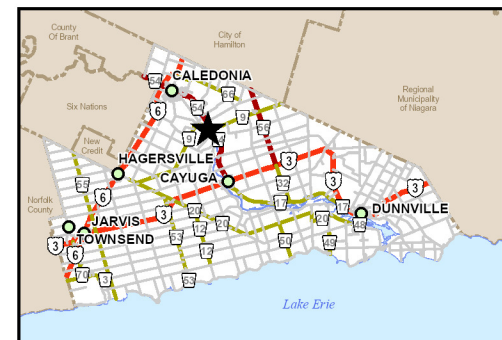
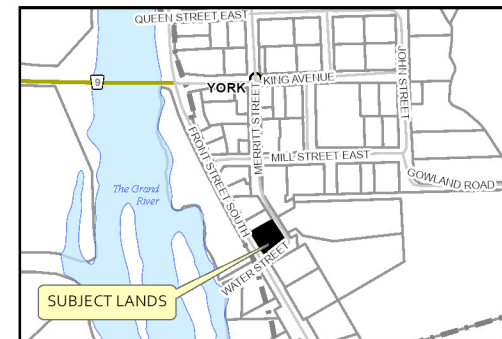
Size:

0.40 Acres

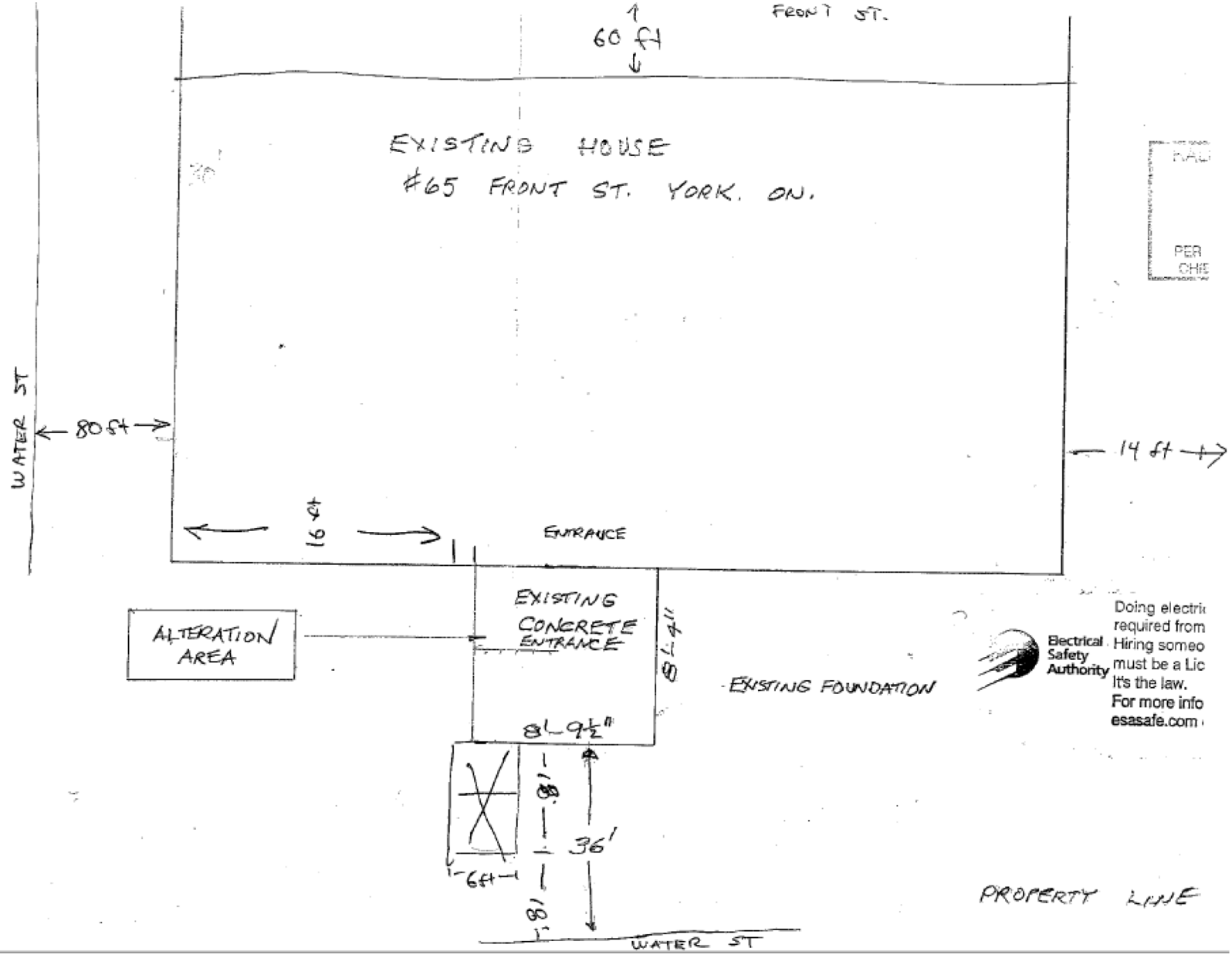
Zoning:

RH (Hamlet Residential)

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Owner's Sketch FILE # PLA-2019-160 APPLICANT: Tansley





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: October 15, 2019

FILE NO: PLA-2019-168

PROPERTY ROLL NO: 2810-022-002-04500

APPLICANT: Matt Csanig & Sandi Ecker

AGENT: Sandi Ecker

PROPERTY LOCATION: Part Lot 1, Concession 3, Geographic Township of Canborough,
8128 Highway 3

PROPOSAL: The applicants propose to construct an addition to the existing dwelling. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 as follows:

Development Standards	Required	Proposed	Deficiency
Front Yard Setback	13 metres	6.7 metres	6.3 metres

RECOMMENDATION

That proposal PLB-2019-168, in the names of Matt Csanig and Sandi Ecker, 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. It is also considered to be minor in nature and appropriate development of the lands; therefore, planning staff recommends that this application be approved, subject to the following condition.

1. The development shall be in accordance with the attached sketch.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application conforms

PLACES TO GROW: The application conforms

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated Agriculture and Riverine Hazard Lands.

TOWN OF HALDIMAND ZONING BY-LAW 1-DU 80: The subject lands are zoned Agriculture (A) and Hazard Land (HL).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The subject lands are located on the west side of Highway 3, east of the Grand River, west of Robinson Road. A single detached dwelling and two accessory structures exists on the property amongst a number of trees that will not be impacted by the proposal.

SURROUNDING LAND USES:

NORTH – Golf Course

EAST – Agriculture

WEST – Residential and the Grand River

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No comments or requirements

MINISTRY OF TRANSPORTATION: No objections or requirements.

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” within the Haldimand County Official Plan. A single detached dwelling is a permitted form of development within this Agricultural designation. The proposed addition will be constructed outside of the Riverine Hazard Lands designation. Based on

the foregoing, it is staffs opinion that the application is in keeping with 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 subject lands are dually zoned Agriculture (A) and Hazard Land (HL). The 'A' Zone permits a single detached dwelling. The 'HL' zone does not permit any new development. The proposed addition to the existing single detached dwelling will be located entirely within the portion of lands zoned Agriculture. The applicants are seeking relief to permit a reduced front yard setback of 6.7 metres, whereas 13 metres is required. The existing single detached dwelling has a deficient front yard setback of 7.10 metres. The proposed addition to the existing home will mimic the angle of the home and as a result, only be 0.4 metres closer to the front lot line than what currently exists. The driveway is located east of the existing detached dwelling and proposed addition and therefore the functionality of the driveway will not be negatively affected. The property is also treed, providing some screening from adjacent properties, therefore the addition will not negatively affect adjacent neighbours. Based on the foregoing, it is planning staff's opinion that the proposed reduction in the side yard setbacks maintains 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 applicants are proposing to construct an addition to the existing single detached dwelling and seek relief from the front yard setback provisions of the zoning by-law to do so. The development is appropriate use of the land since there will be little impact on adjacent neighbours, the addition is proposed outside of the hazard lands and will maintain the character of the existing area.

Based on the foregoing, 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.

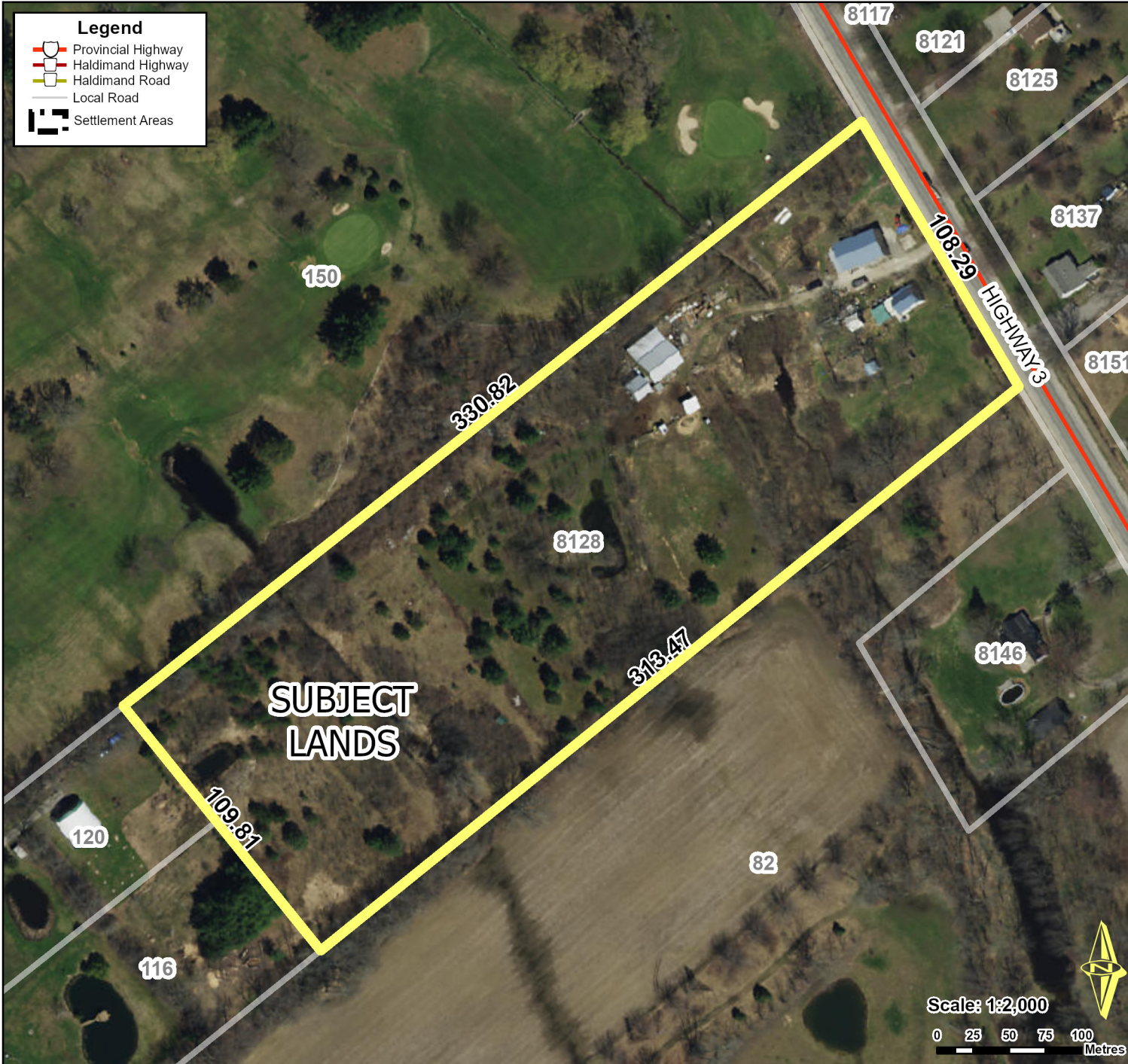
NOTICE SIGN POSTED: The sign was posted at the time of site inspection on October 16, 2019.

Prepared by:



Alicia West
Planner

Location Map FILE # PLA-2019-168 APPLICANT: Csanig & Ecker



Location:
 8128 HIGHWAY 3
 GEOGRAPHIC TOWNSHIP OF CANBOROUGH
 WARD 6

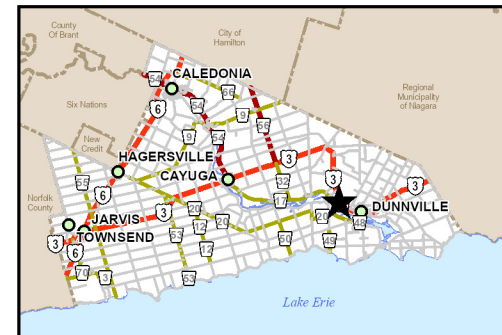
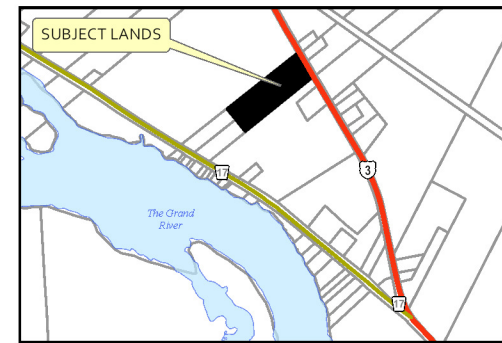
Legal Description:
 CAN CON 3 PT LOT 1 RP 18R3782 PT 1

Property Assessment Number:
 2810 022 002 04500 0000

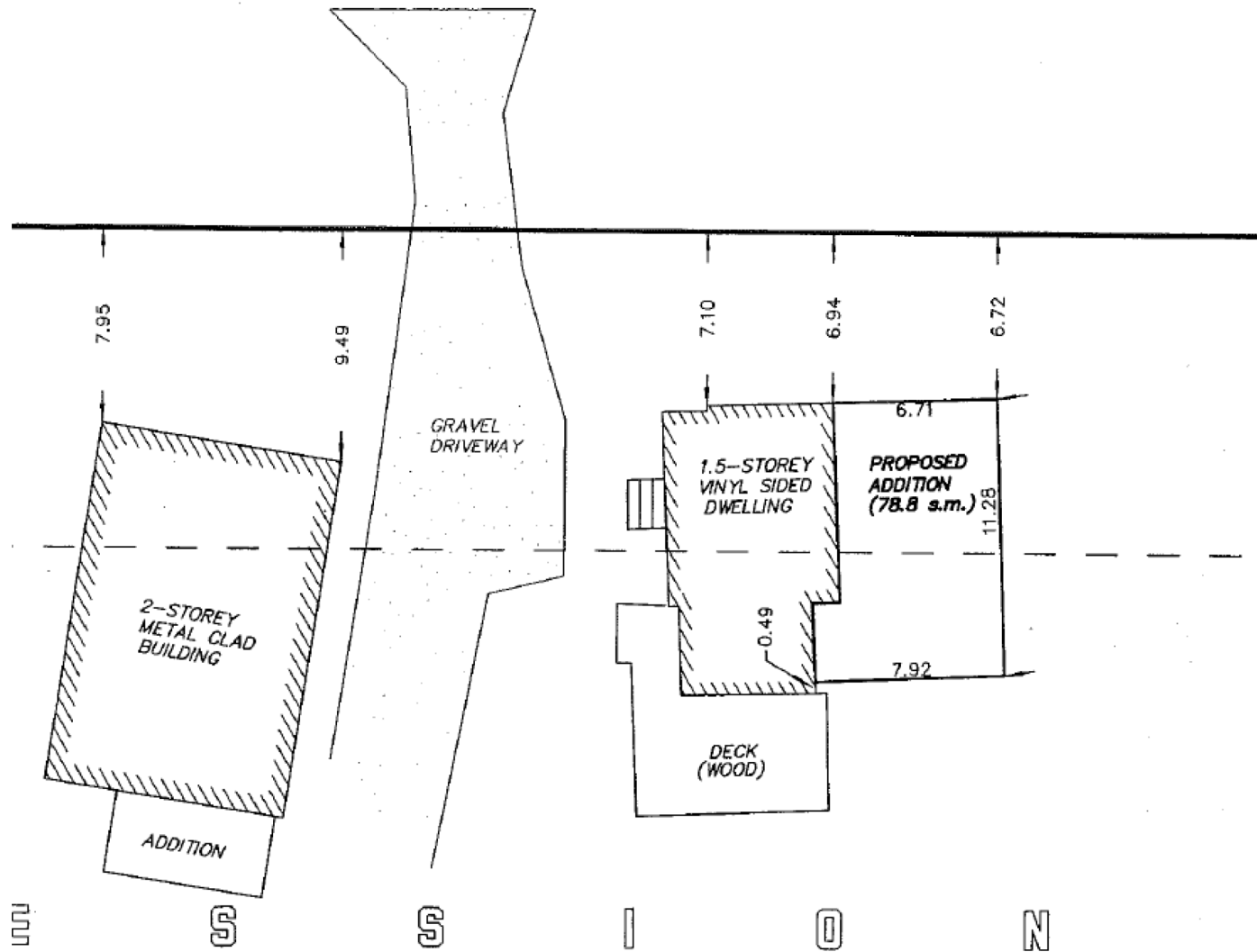
Size:
 8.76 Acres

Zoning:
 A (Agricultural)

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Owner's Sketch FILE # PLA-2019-168 APPLICANT: Csanig & Ecker



PIN 38135 - 0102 (LT)

PART 1 PLAN 18R-3782



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: November 12, 2019
FILE NO: PLA-2019-171
PROPERTY ROLL NO: 2810-156-002-06100 & 2810-156-002-06200
APPLICANT: HML Holdings Ltd.

PROPERTY LOCATION: Lots 24 to 26 South of Echo Street, Lots 25 & 28 and part Lot 26 North of Norton Street, Part of Martin Street, Norton Street, Mohawk Street and Kerr Street, 29 Monture Street and 64 Johnson Street

PROPOSAL: The applicant has received conditional approval to create three lots for residential purposes, through Consent Applications PLB-2019, 120, 121 & 122. In this application, relief is requested from the provisions of the Section 6.26.1i) off Zoning By-law 1-H 86 to permit future residential development with private on-site sewage systems and municipal water; where full municipal services are required.

RECOMMENDATION

That proposal PLA-2019-171, in the name of HML Holdings Ltd., 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. It is also considered to be minor in nature and appropriate development of the lands; therefore, planning staff recommends that this application be approved, subject to the following condition:

1. That the applicant submit a site servicing plan and enter into an agreement regarding municipal services extension and servicing allocation. Municipal services (watermain, sanitary sewer main) within the road allowance must be extended to service the newly created lot, and Servicing Allocation (water and waste water) has been allocated for the severed property. The agreement will include a clause requiring connection to full municipal services in future, should such become available. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential; and
2. That the accessory structures located on the property be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal is consistent.

PLACES TO GROW: The proposal conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Residential' in Haldimand County's Official Plan.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are Zoned 'Agriculture' in the Town of Haldimand Zoning By-law 1-H 86. The Agriculture Zone permits a single-family dwelling (proposed for each of the severed lots); the proposal conforms.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands have frontage on Johnson Street (west) and Monture Street (east) and currently contain two dwellings.

SURROUNDING LAND USES:

NORTH – Residential
EAST – Agricultural
WEST – Residential
SOUTH – Commercial

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Approval could create accessory structures that may contravene the zoning by-law.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Full lot grading plan and entrance permits required (these requirements are conditions of approval for the related consent applications)

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 “Residential” within the Haldimand County Official Plan. The applicants have received conditional approval for the creation of three residential building lots within the urban boundary of Cayuga. The application is in keeping with the general intent and purpose of the Official Plan since the proposed lots are situated within the urban boundary of Cayuga, where policies support infill development.

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

Planning Comment: The subject lands are zoned “Agriculture” within the Haldimand Zoning By-law. The applicants are seeking relief to permit partial services for the proposed lots, whereas full municipal services are required. The application is in general keeping with the intent and purpose of the Zoning By-law since the extension of services to the site is not feasible. Each newly created lot will be able to support private sanitary systems. Based on the foregoing, it is planning staff’s opinion that partial services will have minimal impact on the existing neighbourhood and maintains the general intent and purpose of the Zoning By-law.

3. Is the proposal considered minor in nature?

Planning Comment: the applicants are seeking relief from the zoning by-law to allow for partial services, whereas full municipal services are required. Similarly to the rationale provided above, the application is minor in nature since the proposed lot sizes conditionally approved are in keeping with the lot fabric within the neighbourhood and can appropriately accommodate private sanitary systems within each lot. A clause will be incorporated within the agreement that the applicants will be required to connect to municipal sanitary when / if it becomes available. Based on the aforementioned, staff are of the opinion that the application is minor in nature.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: The subject lands are located within the urban boundary of Cayuga. The application is appropriate as a large sum of adjacent lots are also partially serviced. Extending the sanitary services to this area is not feasible at this time and the applicants will be required to connect at such a time the services become available. Therefore, the application is appropriate use of land and is compatible development.

Based on the foregoing, 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 Haldimand Zoning By-law 1-HA 86. Therefore, planning staff recommends approval of this application subject to the conditions listed above.

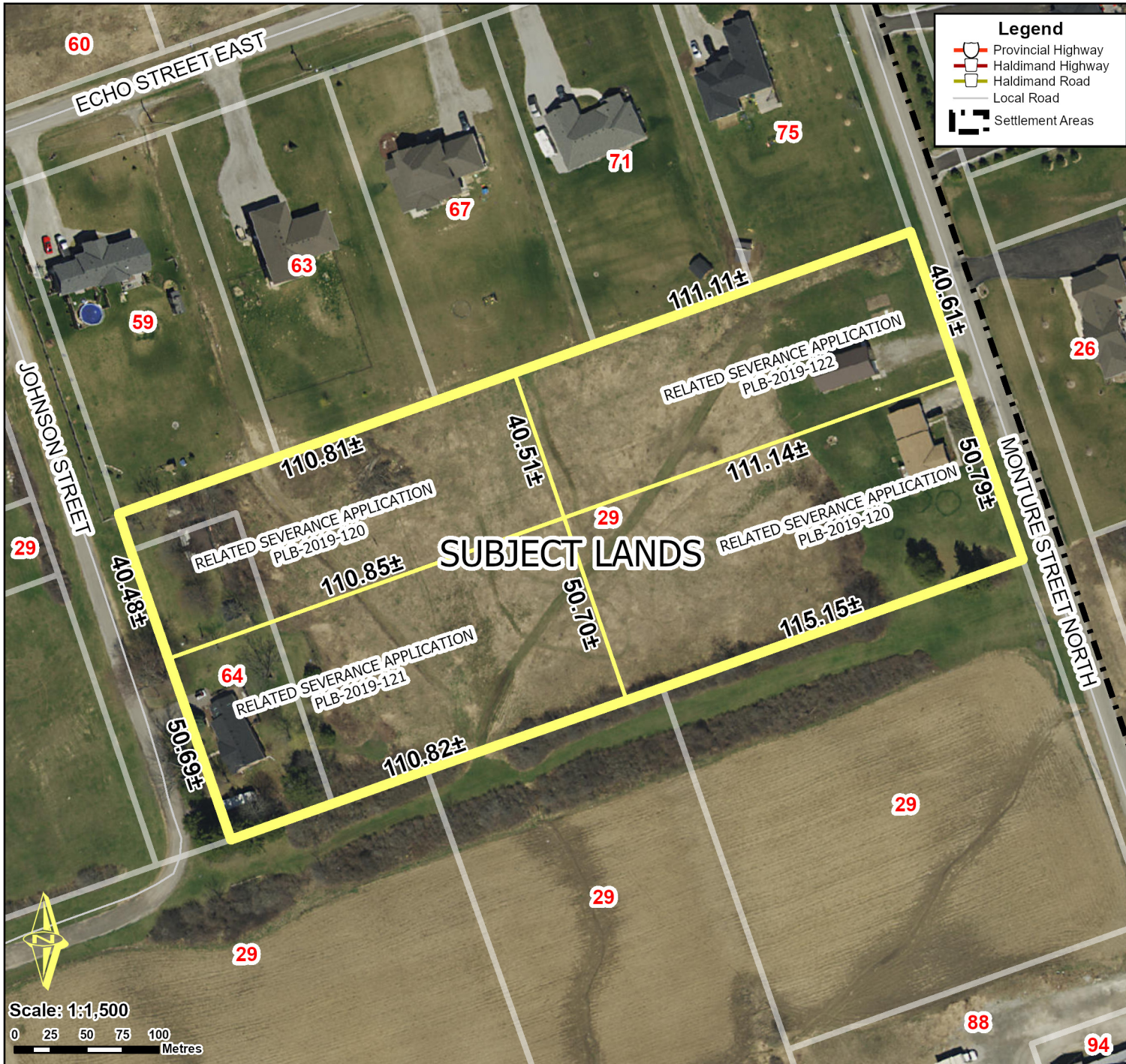
NOTICE SIGN POSTED: A public notice sign was posted during a site visit on October 17th, 2019.

Prepared by:



Alicia West
Planner

Location Map FILE # PLA-2019-171 APPLICANT: HML Holdings Ltd.



Location:

29 MONTURE ST N & 64 JOHNSON ST
URBAN AREA OF CAYUGA
WARD 2

Legal Description:

PLAN VILLAGE CAYUGA LOTS 23
TO 26 N MOHAWK S

Property Assessment Number:

2810 156 002 06200 0000
& 2810 156 002 06100 0000

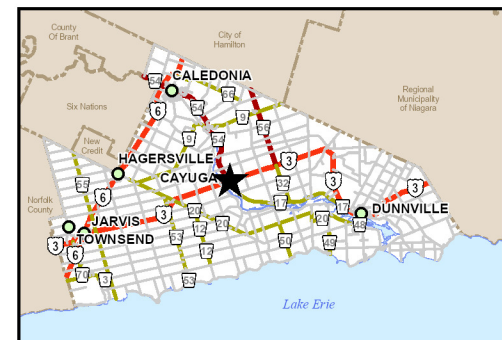
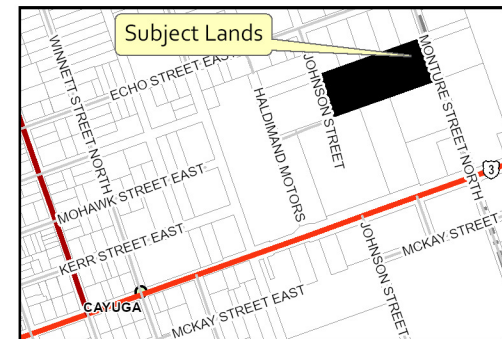
Size:

Approximately 6.42 Acres

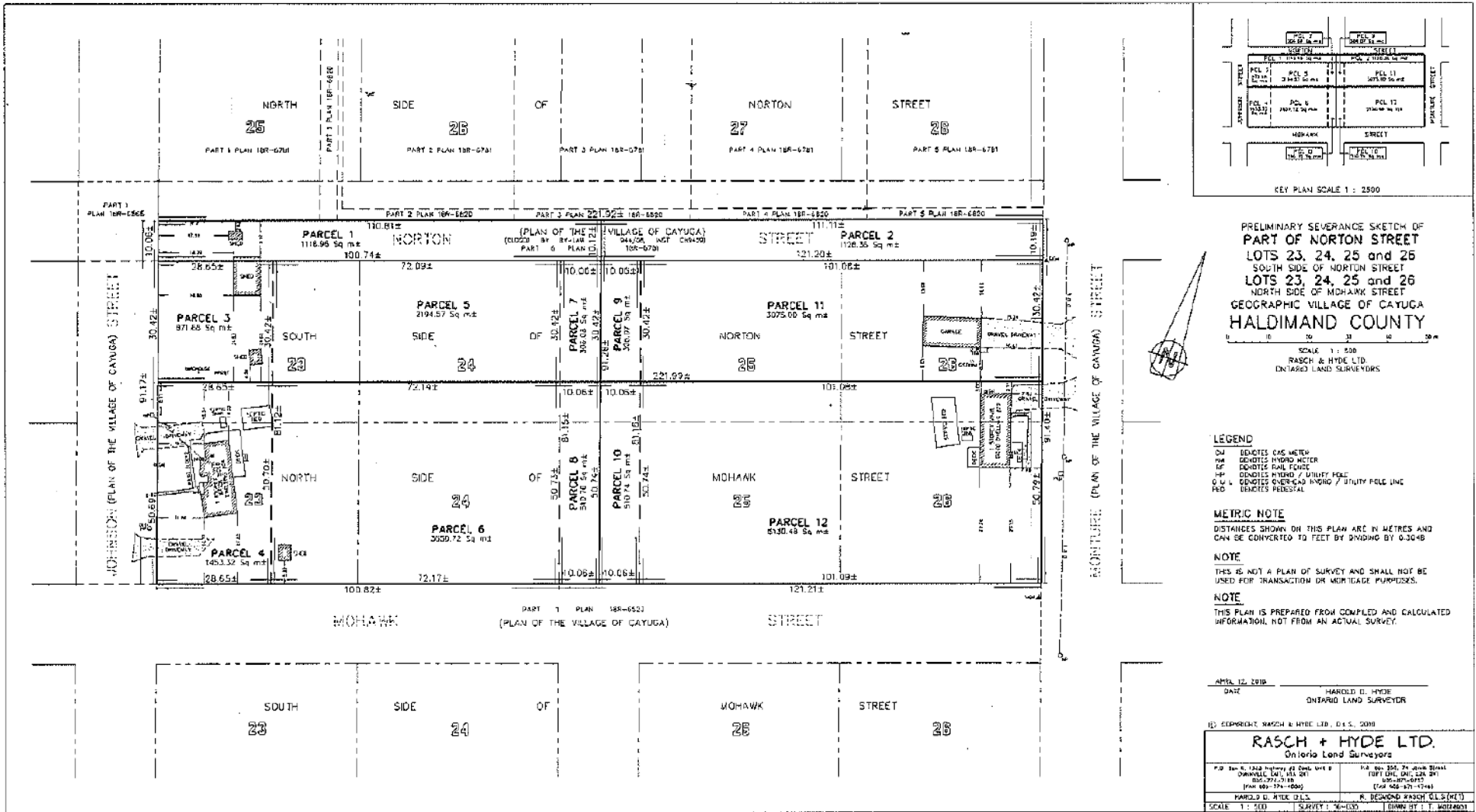
Zoning:

A (Agricultural)

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Owner's Sketch FILE # PLA-2019-171 APPLICANT: HML Holdings Ltd.





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: October 15, 2019
FILE NO: PLA-2019-172
PROPERTY ROLL NO: 2810-152-005-08919
APPLICANT: Ken Hewitt
AGENT: Armstrong Planning
Michael Auduong

PROPERTY LOCATION: Lot 21, Plan 18M52, Urban Area of Caledonia, 19 Fleming Cres.

PROPOSAL: The applicant proposes to enlarge the existing deck on the property. Relief is requested from the provisions of the R1-B Zone of Zoning By-law 1-H 86 as amended by By-law 875-HC/14 to permit the deck as shown below:

Development Standards	Required	Proposed	Deficiency
Deck Size	3.1 metres by 2.5 metres	6.5 metres by 2.5 metres	3.4 metres by 2.5 metres

RECOMMENDATION

Please be advised that due to the relationship between Council and staff, staff have not provided a recommendation for this application. Staff have provided a reasoned evaluation of the policies which impact the subject lands to allow the Committee of Adjustment to deliberate and render a judgement on the application with associated decision.

If the Committee chooses to approve the application, the following conditions should be imposed:

1. The development shall be in accordance with the attached sketch; and
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. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application conforms.

PLACES TO GROW: The application conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Residential'.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are zoned Urban 'Residential Type 1 B' (R1 B) with a special exception 36.395. The special exception refers to the limited size deck permitted for those decks that project into the required rear yard setback of 6 metres.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The subject lands are located on the west side of Fleming Crescent, west of McClung Road, south of Thompson Road and north of the Grand River.

SURROUNDING LAND USES:

NORTH – Residential

EAST – Residential

WEST – Open space

SOUTH – Residential / Open Space

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Final lot grading has not been received from Empire Homes

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 “Residential” within the Haldimand County Official Plan. A single detached dwelling as well as deck are permitted forms of development within this designation. The applicants are seeking relief to enlarge the existing deck. The application conforms to the policies of the Official Plan.

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

Planning Comment: The subject lands are zoned ‘Urban Residential Type 1 B’ (R1 B) within the Haldimand Zoning By-law. The ‘R1 B’ Zone permits single detached dwellings as well as associates decks. The applicant is seeking relief to permit an increase in the size of the deck with dimensions of 6.5 metres by 3.61 metres, whereas 3.1 metres by 2.5 metres is permitted. The intent of this provision in the By-law is to ensure that the sophisticated grading detail of the subdivision is not negatively impacted. Staff note that the width of the deck proposed is 3.61 metres which only projects 2.5 metres into the required rear yard which is permitted. Therefore, the applicant is only seeking relief for the proposed length of the deck of 6.5 metres. The subject lands have not received final grading inspection. Based on the foregoing, staff advise that should the Committee recommend approval, a condition requiring the applicant to receive final grading be included. The provision of suitable grading plan will ensure the intent of the zoning bylaw is maintained.

3. Is the proposal considered minor in nature?

Planning Comment: The applicant is proposing to construct a deck that exceeds the permitted limits within the By-law. The deck will maintain a permitted width but will extend length wise towards the west side of the dwelling. There is open space to south and west of property and will not negatively affect the privacy of adjacent neighbours.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: The subject lands are located within the built boundary of Caledonia. The applicant is proposing to enlarge the existing deck which will not negatively affect the overall characteristic of the newly built neighbourhood.

NOTICE SIGN POSTED: An email from the applicant's agent on October 18th, confirmed that the public notice sign had been posted.

Prepared by:



Alicia West
Planner

Location Map FILE # PLA-2019-172 APPLICANT: Hewitt



Legend

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



Location:
19 FLEMING CRESCENT
URBAN AREA OF CALEDONIA
WARD 3

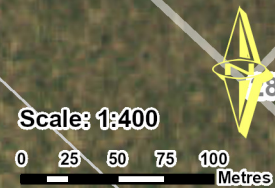
Legal Description:
PLAN 18M52 LOT 21

Property Assessment Number:
2810 152 005 08919 0000

Size:
0.13 Acres

Zoning:
R1-B (Urban Residential Type 1 B)

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-2019-172 APPLICANT: Hewitt

