



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLB-2019-180

PROPERTY ROLL NO: 2810-339-080-45520

APPLICANT: Art & Monika Bluhm

AGENT: David Roe,
Civic Planning Solutions Inc.

PROPERTY LOCATION: Part Lot 24, Concession 14, Geographic Township of Townsend,
41 Townline Road

PROPOSAL:

In Application **PLB-2019-180**, the applicants propose to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of 58 hectares (143.3 acres) and will be added to an abutting 4 hectare (9.9 acre) parcel, fronting on Keith Richardson Parkway. A 4 hectare (9.9 acre) parcel, containing a dwelling and accessory structure will be retained.

RECOMMENDATION:

That proposal PLB-2019-180 in the names of Art and Monika Bluhm, is not consistent with the Provincial Policy Statement (2014), does not comply with the Province's Growth Plan, does not conform to the Haldimand County Official Plan, and does not meet the general intent and purpose of the Town of Nanticoke Zoning By-law 1-NA 2000; therefore, planning staff recommends that this application be deferred in order to allow the applicant to work with staff and provide an alternate solution that complies with Provincial and Local policies .

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application is not consistent with the policies.

PLACES TO GROW: The application is consistent with the policies

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The lands are designated 'Agriculture' and 'Hazard Lands' in the official Plan.

TOWN OF NANTICOKE ZONING BY-LAW 1-NA 2000: The lands are zoned Agriculture (A) and Hazard Lands (HL) within the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The subject lands are located on the west side of Townline Road, south of Concession 14 Townsend and east of Keith Richardson Parkway. The site contains a single detached dwelling and accessory structure. A pond and wooded areas are located on the throughout the property.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture

WEST – Agriculture

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Comments to be available at hearing.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Road allowance widening/dedication required.

HYDRO ONE: No concerns.

MINISTRY OF TRANSPORTATION: A field/farm access to Highway 3 exists from the property identified as 41 Keith Richardson Parkway. This field/farm access shall remain for the limited use of managing crops on that portion of the land not accessible from any municipal road. Intensified uses of the access to facilitate other site activity (Thrive Cannabis) is not permitted.

LONG POINT REGION CONSERVATION AUTHORITY: Portions of the severed and retained lands in these applications are regulated. No objection to the proposed severance.

MISSISSAUGAS OF THE NEW CREDIT: Circulated, no comments received.

SIX NATIONS: Circulated, no comments received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Circulated, no comments 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 applicants are proposing a boundary adjustment, of 58 hectares (143.3 acres) of farmlands from the existing household to be consolidated with the adjacent lands fronting Keith Richardson Parkway. The retained lands will contain the existing dwelling and accessory structure and will be approximately 4 hectares (10 acres) in size.

The Haldimand County Official Plan (OP) permits boundary adjustments for agriculturally designated lands provided that no new lots are created as a result of the boundary adjustment and does not compromise the functionality / viability of a farm. Staff are in the opinion that the lands to be severed and added to the adjacent property fronting Keith Richardson Parkway, will result in the retained parcel containing the dwelling and accessory structure oversized, and will negatively affect the existing farmlands. The Provincial Policy Statement allows severances in the agricultural area for agriculturally related uses and surplus farm dwelling, and specifically does not permit the creation of new residential lots.

Through analysis and review of aerial photography, access to the farmlands adjacent to the existing dwelling, is present through the brush and tree line. Therefore the farmlands are accessible and could maintain current farm production. Based on the foregoing, staff would recommend that application PLB-HA-180 be deferred to allow the applicant the opportunity to amend the application and reduce the area of the retained lands in order to protect the viability of the farm lands and be in compliance with the Official Plan policies. Additional rationale is needed to justify the proposed boundary adjustment and satisfy the requirements of the Provincial Policy Statement and Haldimand County Official Plan.

Based on the foregoing, it is planning staff's opinion that the proposal is not consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan and the intent of the Nanticoke Zoning By-law but does not conform to the Haldimand County Official Plan.; therefore, planning staff recommends that this application be deferred.

PUBLIC CONSULTATION: The applicant has not satisfied the public consultation requirements as per the Provincial legislation.

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A sign was posted at the time of site visit on November 21, 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. 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 9258159 Canada Inc. and further identified as Roll # 2810-339-080-45600, 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 9258159 Canada Inc. and further identified as Roll # 2810-339-080-45600.
4. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication have been satisfied. A dedication to the County, of property along the lot frontage/flankage (Keith Richardson Parkway), is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
5. That a septic evaluation for 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. That an application for a new civic address be submitted for the proposed amalgamated parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
7. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed 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.
8. 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.
9. Receipt of a copy of the registered reference plan of the irregular shaped, retained parcel, approximately 194 metres by 213 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 lfladderus@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

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 2020, after which time this consent will lapse.

File No. PLB-2019-180
BLUHM, Art & Monika
Assessment Roll No. 2810-33080-45520

Location Map FILE #PLB-2019-180 APPLICANT: Bluhm



Detail 'A'

Location:
 41 TOWNLINE ROAD
 GEOGRAPHIC TOWNSHIP OF TOWNSEND
 WARD 1

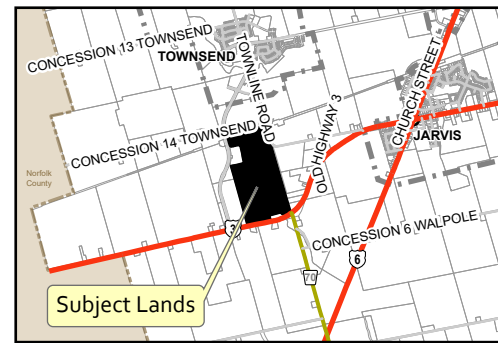
Legal Description:
 TWN CON 14 PT LOT 24 PLAN D-37-5
 UNITS 9 11 AND 12 PT UNIT 10 RP 37R7901
 PARTS 3 TO 5 PT PART 1 RP 37R8379
 PARTS 7 TO 9

Property Assessment Number:
 2810 339 080 45520 0000

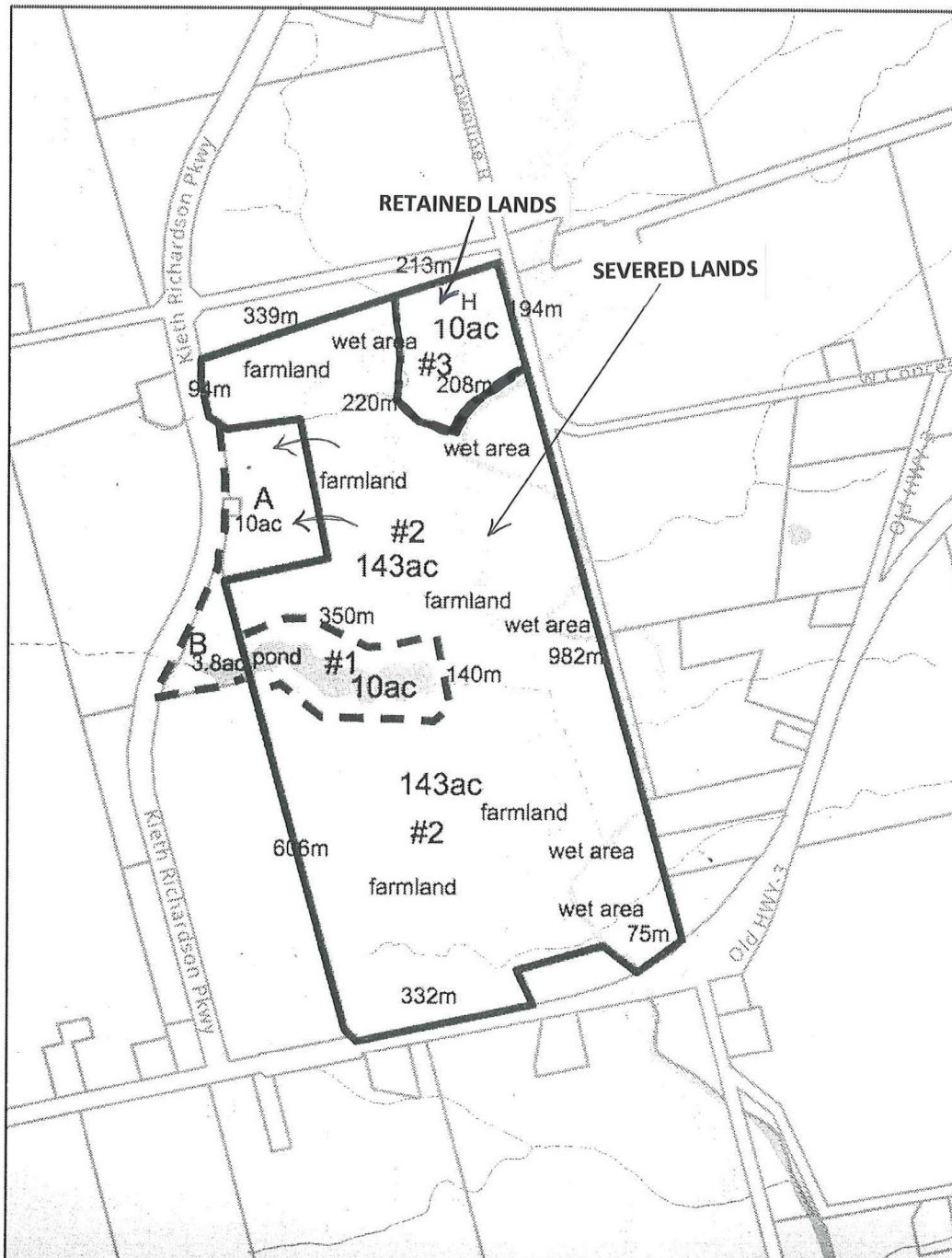
Size:
 168.630 Acres

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 #PLB-2019-180 APPLICANT: Bluhm





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLB-2019-181

PROPERTY ROLL NO: 2810-339-080-45520

APPLICANT: Art & Monika Bluhm

AGENT: David Roe,
Civic Planning Solutions Inc.

PROPERTY LOCATION: Part Lot 24, Concession 14, Geographic Township of Townsend,
41 Townline Road

PROPOSAL:

In Application **PLB-2019-181**, the applicants propose to sever a parcel of land as a boundary. The severed lands are irregular in shape and will contain an area of approximately 4 hectares (9.9 acres). The proposed severed lands contain an existing pond and dam and will be added to the abutting property known as 52 Keith Richardson Parkway, which contains an existing single detached dwelling.

RECOMMENDATION:

That proposal PLB-2019- 181, in the names of Art and Monika Bluhm, 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 Nanticoke Zoning By-law 1-NA 2000; therefore, planning staff recommends that this application be approved subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application is consistent with the policies.

PLACES TO GROW: The application is consistent with the policies

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The lands are designated 'Agriculture' and 'Hazard Lands' in the official Plan.

TOWN OF NANTICOKE ZONING BY-LAW 1-NA 2000: The lands are zoned Agriculture (A) and Hazard Lands (HL) within the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The subject lands are located on the west side of Townline Road, south of Concession 14 Townsend and east of Keith Richardson Parkway. The site contains a single detached dwelling and accessory structure. A pond and wooded areas are located on the throughout the property.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture

WEST – Agriculture

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Comments to be available at hearing

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Road allowance widening/dedication required.

HYDRO ONE: No concerns.

MINISTRY OF TRANSPORTATION: A field/farm access to Highway 3 exists from the property identified as 41 Keith Richardson Parkway. This field/farm access shall remain for the limited use of managing crops on that portion of the land not accessible from any municipal road. Intensified uses of the access to facilitate other site activity (Thrive Cannabis) is not permitted.

LONG POINT REGION CONSERVATION AUTHORITY: Portions of the severed and retained lands in these applications are regulated. No objection to the proposed severances.

MISSISSAUGAS OF THE NEW CREDIT: Circulated, no comments received.

SIX NATIONS: Circulated, no comments received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Circulated, no comments 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 applicants are proposing a boundary adjustment that encompasses an irregularly shaped parcel with a size of approximately 4 hectares that surrounds and includes the existing pond.

The Haldimand County Official Plan (OP) permits boundary adjustments for agriculturally designed lands provided no new lots are created as a result of the boundary adjustment and does not compromise the functionality / viability of a farm. Staff are of the opinion that the proposed boundary adjustment complies with the policies within the Official Plan, since the lands to be severed and consolidated with the adjacent lands municipally known as 52 Keith Richardson Parkway. The proposal will not negatively affect the functionality or viability of the existing farmlands as the 4 hectare portion of land surrounds the existing pond, which consists of vegetation that is not suitable for farm production. As The severed portion of lands will be consolidated with adjacent lands and therefore, no new building lots will be created as a result. The adjacent land owners wish to maintain the area around the pond and to continue access.. Staff are of the opinion that the boundary adjustment meets the policies set out in the Official Plan and maintains the intent of the Zoning By-law.

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 meets the intent of the Nanticoke Zoning By-law and Haldimand County Official Plan.; therefore, planning staff recommends that this application be approved.

PUBLIC CONSULTATION: The applicant has not satisfied the public consultation requirements as per the Provincial legislation.

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A sign was posted at the time of site visit on November 21, 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. 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 Jason Kenneth Bluhm & Angela Nichole Bluhm and further identified as Roll # 2810-339-080-46500, 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 Jason Kenneth Bluhm & Angela Nichole Bluhm and further identified as Roll # 2810-339-080-46500.
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.
5. 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.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 140 metres in width and 350 in depth, containing an area of approximately 4 hectares. 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 December 17, 2020, after which time this consent will lapse.

***File No. PLB-2019-181
BLUHM, Art & Monika
Assessment Roll No. 2810-339-080-45520***

Location Map FILE #PLB-2019-181 APPLICANT: Bluhm



Location:
41 TOWNLINE ROAD
GEOGRAPHIC TOWNSHIP OF TOWNSEND
WARD 1

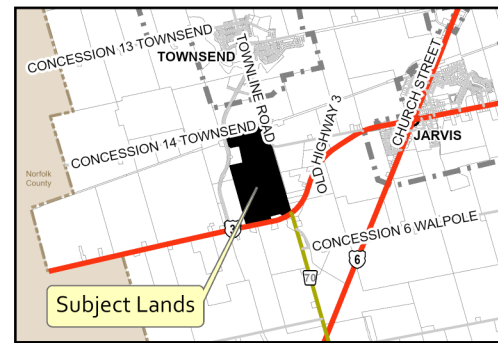
Legal Description:
TWN CON 14 PT LOT 24 PLAN D-37-5
UNITS 9 11 AND 12 PT UNIT 10 RP 37R7901
PARTS 3 TO 5 PT PART 1 RP 37R8379
PARTS 7 TO 9

Property Assessment Number:
2810 339 080 45520 0000

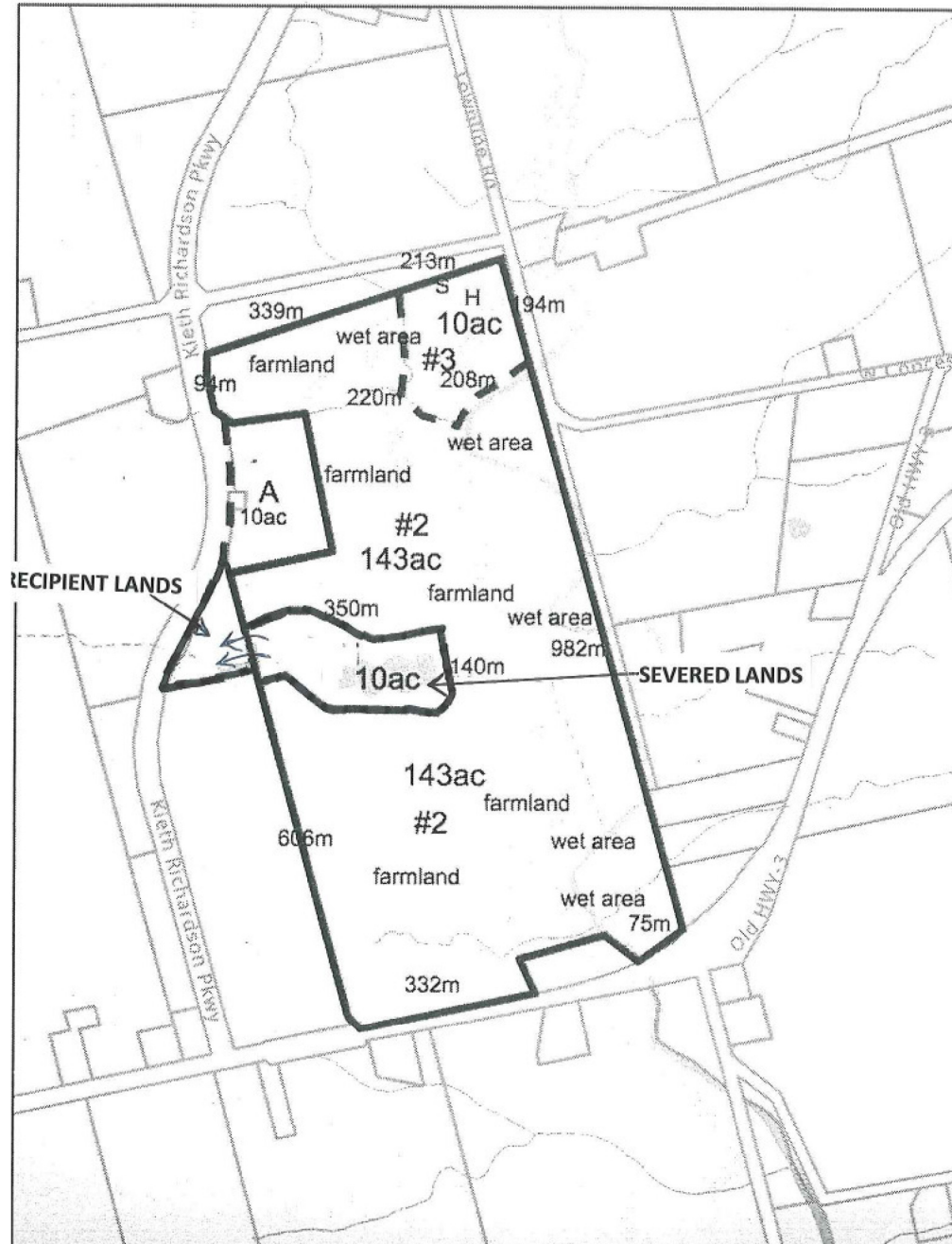
Size:
168.630 Acres

Zoning:
A (Agricultural)

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Owner's Sketch FILE #PLB-2019-181 APPLICANT: Bluhm





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLB-2019-173

PROPERTY ROLL NO: 2810-023-004-12400

APPLICANT: Andrei Lissenkov

AGENT: Michelle Reinink

PROPERTY LOCATION: 992 Hutchinson Road, Dunnville and legally described as Part Lot 6, 2nd Cross Concession, Geographic Township of Moulton.

PROPOSAL: The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will measure approximately 60.96 metres by 121.9 metres (200 feet X 400 feet), and with an area of 0.74 hectare (1.8 acres).

RECOMMENDATION:

That proposal PLB-2019-173, in the name of Andrei Lissenkov, 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 'Agriculture' in the Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are zoned Agriculture (A)..

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The property is located on the east side of Hutchinson Road, south of Jenny Jump Road and north of Booker Road. The property consists of a single detached

dwelling and pond located within the front yard. The retained lands are utilized in agricultural production (cash crops).

SURROUNDING LANDS:

NORTH – Agricultural

EAST – Agricultural

WEST – Agricultural

SOUTH – Agricultural

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Drainage re-apportionment agreement required. Entrance permit required for the retained parcel. See attached conditions 4 & 5.

HYDRO ONE: There is currently a private primary service that services both #992 and #1002 on this property. Hydro One does not allow this type of set up, as the property owner in this case at #992 would have control of the both services. In order to rectify, the owner at 1002 can have a separate service installed or a legal agreement between the two owners, to deal with any encroachments/maintenance costs.

MISSISSAUGAS OF THE NEW CREDIT: Circulated but no comments received.

SIX NATIONS: Circulated but no comments received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Circulated but no comments 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 Official Plan permits the severance of a habitable farm dwelling that is a minimum of ten years in age and that is made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County subject to a number of additional criteria. The surplus farm dwelling is more than 10 years old and the applicant has submitted a declaration of habitability stating that the dwelling is habitable. The applicant also owns another farm parcel with a dwelling located on it within Haldimand County. The proposal generally conforms to these policies.

Additionally, the creation of a surplus farm dwelling is subject to the following criteria:

- a) The severance shall generally be 0.4 hectares to 0.6 hectares (1.0 acres to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production;

Planning Comment: The proposed severance is approximately 0.74 hectares (1.8 acres). The applicant has requested a larger severance due to the existing setback of the dwelling and the inclusion of the wrap around driveway as well. A zoning amendment will be required to address the size of the proposed severed lands and a condition of approval has been included. .

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

Planning Comment: A septic evaluation will be required as a condition of consent to ensure that the septic system adequately services the dwelling and is in conformity with the Ontario Building Code.

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

Planning Comment: It is planning staff's opinion that the proposal will not affect the operation or viability of the farm operation. Efforts have been taken to minimize the lands removed from the farm parcel.

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

Planning Comment: A livestock operation does not exist on the retained farmlands such that MDS 1 does not apply to this proposal.

- e) Severances shall not be permitted within 300 metres of licenced pits and 500 metres from licenced quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Comment: No waste disposal sites or licensed quarries were observed in the general vicinity.

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

Planning Comment: The severed lands will front onto Hutchison Road, which is an open public road.

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

Planning Comment: Planning staff have no concerns.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy

Statement (2014), complies with the Province's Growth Plan (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 satisfied the public consultation requirements as per the Provincial legislation.

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The applicant confirmed via email that the sign was posted on December 2nd, 2019.

Prepared by:



Alicia West
Planner

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

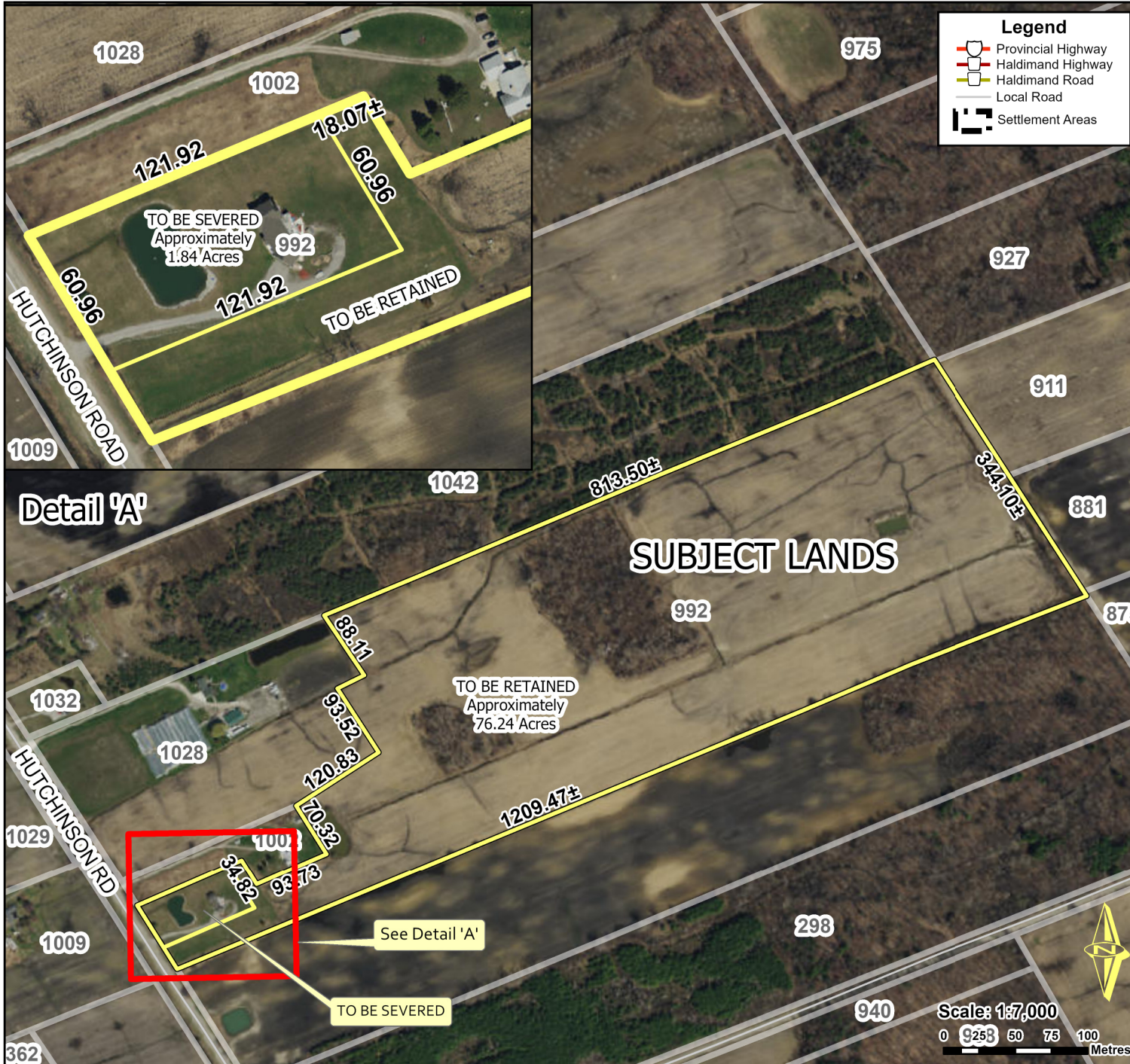
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$294.00 for deed stamping.
2. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
3. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6415, for further clarification.
5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for then retained parcel. 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.
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 60.96 metres by 121.9 metres, containing an area of 0.74 hectare. .Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 2020, after which time this consent will lapse.

File No. PLB-2019-173
LISSENKOV, Andrei
Assessment Roll No. 2810-023-004-12400

Location Map FILE #PLB-2019-173 APPLICANT: Lissenkov



Detail 'A'

SUBJECT LANDS

See Detail 'A'

TO BE SEVERED

Location:
992 HUTCHINSON ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5

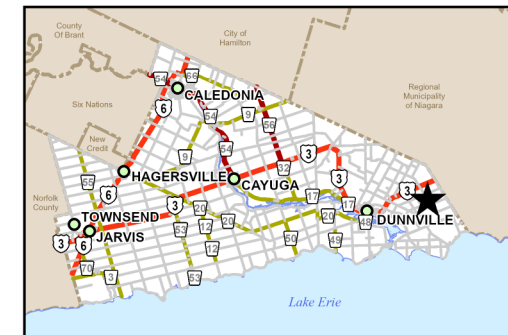
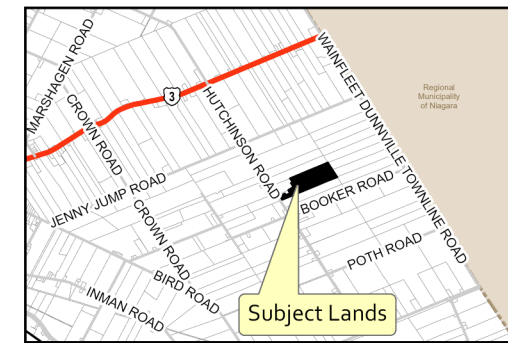
Legal Description:
MOULTON CON SECOND CROSS PT LOT 6

Property Assessment Number:
2810 023 004 12400 0000

Size:
78.080 Acres

Zoning:
A (Agricultural)

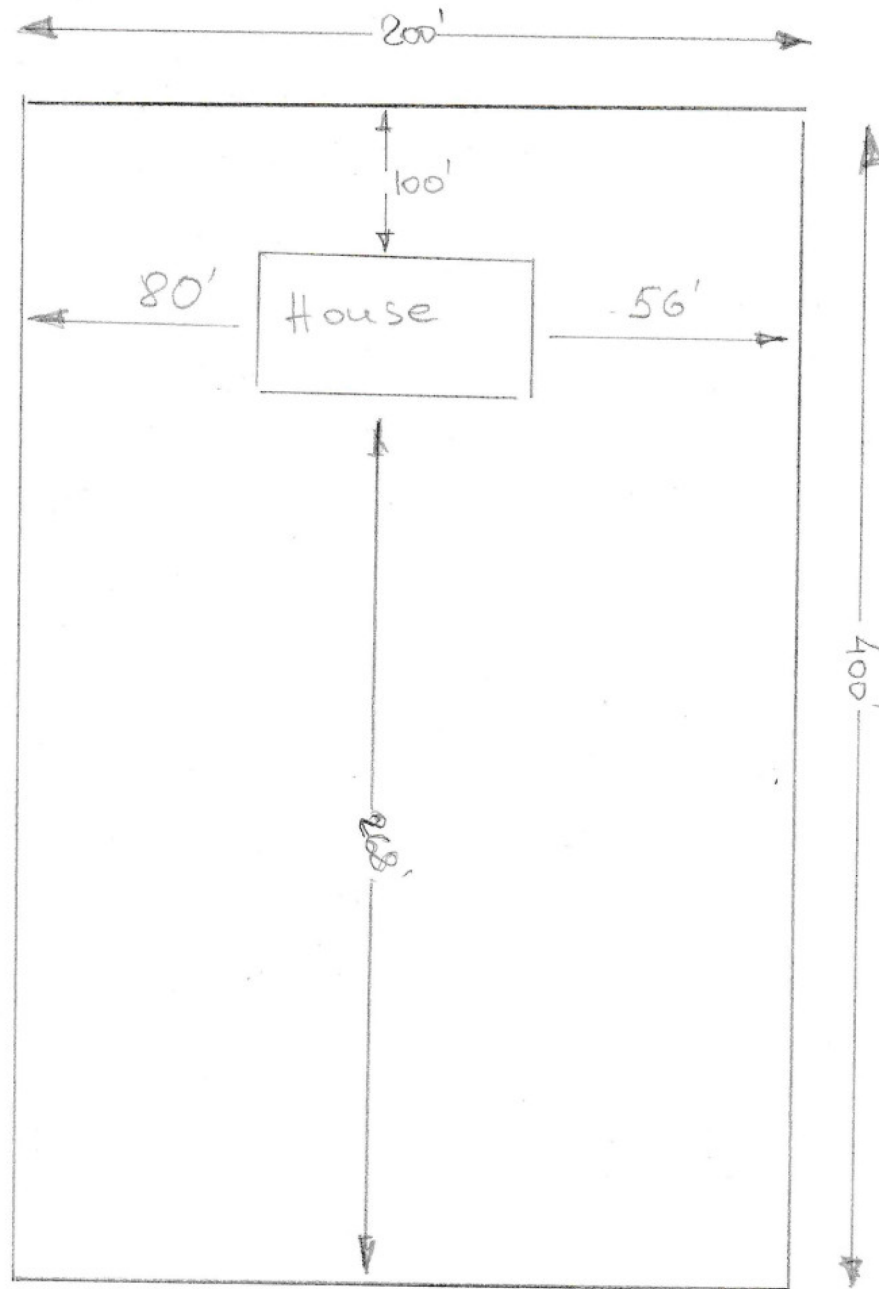
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



Owner's Sketch 1 of 2 FILE #PLB-2019-173 APPLICANT: Lissenkov



Owner's Sketch 2of2 FILE #PLB-2019-173 APPLICANT: Lissenkov





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLB-2019-176

PROPERTY ROLL NO: 2810-021-002-26300

APPLICANT: Huigen Bros. Farms Ltd.

AGENT: Kim Hessels

PROPERTY LOCATION: 3063 Lakeshore Road and legally described as Part Lot 3, Concession 4, South of Dover Road, Geographic Township of Dunn, Haldimand County.

PROPOSAL: The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands have an irregular shape and will measure approximately 129.54 metres by 184.4 metres (425 feet X 605 feet), with an area of approximately 1.17 hectares (2.89 acres).

RECOMMENDATION:

That proposal PLB-2019-176, in the names of Huigen Bros. Farms 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 Dunnville Zoning By-law 1-DU 80; therefore, Planning staff recommends that this application be approved subject to the conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application complies.

PLACES TO GROW: The application complies.

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

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are zoned Agriculture (A) within the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The subject lands are located on the north side of Lakeshore Road, north of Lake Erie and east of Haldimand Dunnville Townline Road. There is a single detached dwelling and three accessory structures located on the lands.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture

WEST – Agriculture

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION:

Septic evaluation required

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No objections to the application.

GRAND RIVER CONSERVATION AUTHORITY: Recommend deferral of the application to allow the applicant time to relocate the proposed driveway for the severed parcel outside of the riverine flooding hazard area.

Comment: The applicant has had conversations with the GRCA and are working through clearance. As a condition of approval, final clearance from GRCA is required.

HYDRO ONE: The hydro lines servicing the dwelling cannot pass over or encroach onto the retained lands. If they do, the service will need to be relocated. If the storage shed, located on the retained lands, is connected to the service for the dwelling, it will also need to be relocated.

MISSISSAUGAS OF THE NEW CREDIT: Circulated, no comments received.

SIX NATIONS: Circulated, no comments received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Circulated, no comments 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 Official Plan permits the severance of a habitable farm dwelling that is a minimum of ten years in age and that is made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County subject to a number of additional criteria. The surplus farm dwelling is more than 10

years old and the applicant has submitted a declaration of habitability stating that the dwelling is habitable. The applicant also owns a farm with a dwelling located on it within Haldimand County. The proposal generally conforms to these items.

Additionally, the creation of a surplus farm dwelling is subject to the following criteria:

- a) The severance shall generally be 0.4 hectares to 0.6 hectares (1.0 acres to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production;

Planning Comment: The proposed severance is approximately 1.2 hectares (2.9 acres). The applicant has requested an oversized surplus farm dwelling severance to include the paddock located within the front yard. Staff reached out to the applicant to discuss the requested size of the surplus farm dwelling and whether there is an opportunity to reduced the requested size. The applicants confirmed that they wished to proceed with the requested size since the lands are low lying and would be difficult to maneuvering a tractor for farming. The existing dwelling is located some distance from Lakeshore Road and there are GRCA regulated lands which creates a further physical encumbrance for the lands. Based on the foregoing, the proposed size of 1.2 hectares (2.9 acres) is in keeping with the general intent of the Official Plan. A zoning amendment will be required to address the oversized proposed severed lot.

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

Planning Comment: A septic evaluation will be required as a condition of consent to ensure that the septic system adequately services the dwelling and is in conformity with the Ontario Building Code.

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

Planning Comment: It is planning staff's opinion that the proposal will not affect the operation or viability of the farm operation. The lands to be severed are not agriculturally functional.

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

Planning Comment: A livestock operation does not exist on the retained farmlands such that MDS 1 does not apply to this proposal. The applicant indicated that there was one animal on the property that has since been removed.

- e) Severances shall not be permitted within 300 metres of licenced pits and 500 metres from licenced quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Comment: No waste disposal sites or licensed quarries were observed in the general vicinity.

- f) The lot created by severance shall be located within safe and direct access to a

permanently maintained public road; and

Planning Comment: The severed lands will front onto Lakeshore Road, which is an open public road.

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

Planning Comment: Planning staff have no concerns.

Overall, it is planning staff's opinion that the proposal is not consistent with the Provincial Policy Statement (2014), does not comply with the Province's Growth Plan (2019), does not conform to the Haldimand County Official Plan nor 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.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The applicant has indicated that the sign was posted on site.

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 \$350.00 and a fee of \$294.00 for deed stamping.
2. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
3. That the requirements of the Grand River Conservation Authority be satisfied, with regard to the location of the existing driveway and confirmation be provided to the Secretary-Treasurer prior to the signing of the certificate.
4. The shared access to the severed and retained lands from Lakeshore Road must be stopped up and closed, separating the residential use from the retained agricultural lands, to the satisfaction of the Planning and Development Division.
5. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
6. That an application for a new civic address be submitted for the retained parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
7. That the requirements of Hydro One, regarding the hydro service to the severed and retained lands, be addressed and proof be provided to the Secretary-Treasurer prior to the signing of the certificate.
8. 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.
9. Receipt of a copy of the registered reference plan of the severed parcel, approximately 129.54 metres by 184.4 metres, containing an area of 1.17 hectares. 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:
Angular Unit:

Greenwich
Degree

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 2020, after which time this consent will lapse.

File No. PLB-2019-176
HUIGEN BROS. FARMS LTD.
Assessment Roll No. 2810-021-002-26300

Location Map FILE #PLB-2019-176 APPLICANT: Huigen Bros Farms Ltd.



Location:
3063 LAKESHORE ROAD
GEOGRAPHIC TOWNSHIP OF DUNN
WARD 5

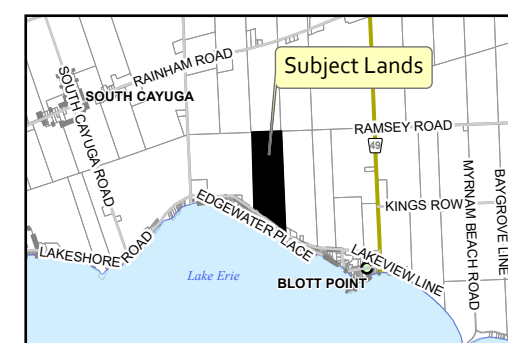
Legal Description:
DUN CON 4 SDR PT LOT 3

Property Assessment Number:
2810 021 002 26300 0000

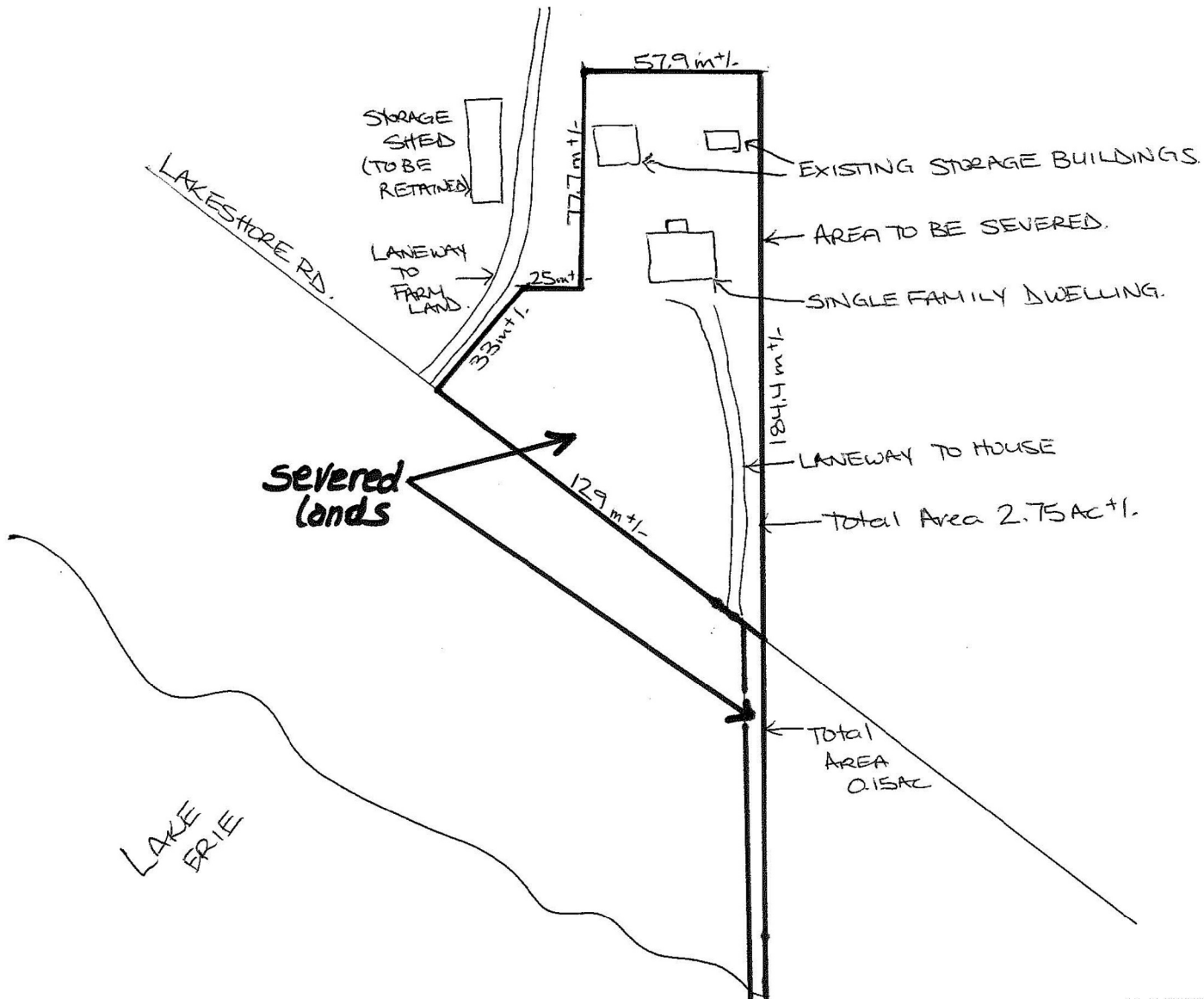
Size:
125.63 Acres

Zoning:
A (Agricultural) &
RS (Seasonal Residential)

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Owner's Sketch FILE #PLB-2019-176 APPLICANT: Huigen Bros Farms Ltd.





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLB-2019-177

PROPERTY ROLL NO: 2810-332-007-09300

APPLICANT: Lorne Frederick Mattice III

AGENT: C. Edward McCarthy

PROPERTY LOCATION: 204 Concession 11 Road and legally described as Part Lot 3, Concession 11, Geographic Township of Walpole, Haldimand County.

PROPOSAL: The applicant proposes to sever a lot containing a surplus farm dwelling and accessory structures. The severed lands, irregular in shape, will have a lot frontage of approximately 14 metres (45.9 feet) with an approximate area of 0.51 hectare (1.26 acres).

RECOMMENDATION:

That proposal PLB-2019-177, in the names of Lorne Frederick Mattice III, 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 Nanticoke Zoning By-law 1-NA 2000; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application complies.

PLACES TO GROW: The application complies.

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

TOWN OF NANTICOKE ZONING BY-LAW 1-NE 2000: The subject lands are zoned Agriculture (A) within the Zoning By-law. The severed parcel will be deficient in lot frontage due to the proposed flag shaped lot. The size and configuration of the surplus farm dwelling protects the functionality and viability of the existing farmlands. Based on the foregoing, a minor variance must be obtained, to recognize the deficient lot frontage.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The property is located on the south side of Concession 11, west of Highway 55 and east of County Line Road. A single detached dwelling and multiple accessory structures are present on the subject lands. The farm lands are used in the cultivation of cash crops.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Residential (White Oaks Village) and industrial

WEST – Agriculture

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Septic evaluation required. A permit in the property file shows a septic system to the east that may have once served a mobile home. Assurance that the system has been abandoned and is not servicing the existing dwelling, is required. Proof required that all accessory structures meet the required setbacks or are removed.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No objections - no requirements for the requested severance.

HYDRO ONE: The hydro lines servicing the dwelling cannot pass over or encroach onto the retained lands. If they do, the service will need to be relocated. If the storage buildings, located on the retained lands, are connected to the service for the dwelling, they will also need to be relocated.

MISSISSAUGAS OF THE NEW CREDIT: Circulated, no comments received.

SIX NATIONS: Circulated, no comments received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Circulated, no comments 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 Official Plan permits the severance of a habitable farm dwelling that is a minimum of ten years in age and that is made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County subject to a number of additional criteria. The surplus farm dwelling is more than 10

years old and the applicant has submitted a declaration of habitability stating that the dwelling is habitable. The applicant also owns a farm with a dwelling located on it within Haldimand County. The proposal generally conforms to these items.

Additionally, the creation of a surplus farm dwelling is subject to the following criteria:

- a) The severance shall generally be 0.4 hectares to 0.6 hectares (1.0 acres to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production;

Planning Comment: The proposed severance is approximately 0.51 hectares (1.26 acres) and satisfies the size policy.

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

Planning Comment: A septic evaluation will be required as a condition of consent to ensure that the septic system adequately services the dwelling and is in conformity with the Ontario Building Code.

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

Planning Comment: It is planning staff's opinion that the proposal will not affect the operation or viability of the farm operation. Efforts have been taken to minimize the lands removed from the farm parcel and the severed lot is generally limited to the residential function.

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

Planning Comment: A livestock operation does not exist on the retained farmlands such that MDS 1 does not apply to this proposal.

- e) Severances shall not be permitted within 300 metres of licenced pits and 500 metres from licenced quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Comment: No waste disposal sites or licensed quarries were observed in the general vicinity.

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

Planning Comment: The severed lands will front onto Concession 11, which is an open public road.

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

Planning Comment: Planning staff have no concerns.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the intent and purpose of the Town of Nanticoke Zoning By-law 1-NE-2000. Therefore, planning staff recommends that this application be approved, subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A sign was posted at the time of site visit on November 21, 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 \$350.00 and a fee of \$294.00 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. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. Confirmation that all of the accessory structures on the retained lands meet the required setbacks or they shall be removed, to the satisfaction of the Building Controls and By-law Enforcement Division. Upon removal, contact the Building Inspector, for an inspection of the property, at 905-318-5932.
5. Confirmation that an additional septic system to the east of the existing dwelling, that once served a mobile home, has been abandoned and is not serving the existing dwelling.
6. That the requirements of Hydro One, regarding the hydro service to the severed and retained lands, be addressed and proof be provided to the Secretary-Treasurer prior to the signing of the certificate.
7. 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.
8. Receipt of a copy of the registered reference plan of the irregular shaped, severed parcel, having a frontage of approximately 14 metres and containing an area of approximately 0.51 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 2020, after which time this consent will lapse.

***File No. PLB-2019-177
MATTICE, Lorne Frederick III
Assessment Roll No. 2810-332-006-09300***

Location Map FILE #PLB-2019-177 APPLICANT: Mattice III



Legend

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



Location:
**204 CONCESSION 11 WALPOLE
 GEOGRAPHIC TOWNSHIP OF WALPOLE
 WARD 1**

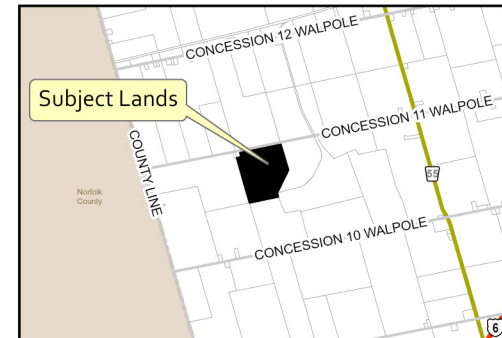
Legal Description:
WAL CON 11 PT LOT 3

Property Assessment Number:
2810 332 007 09300 0000

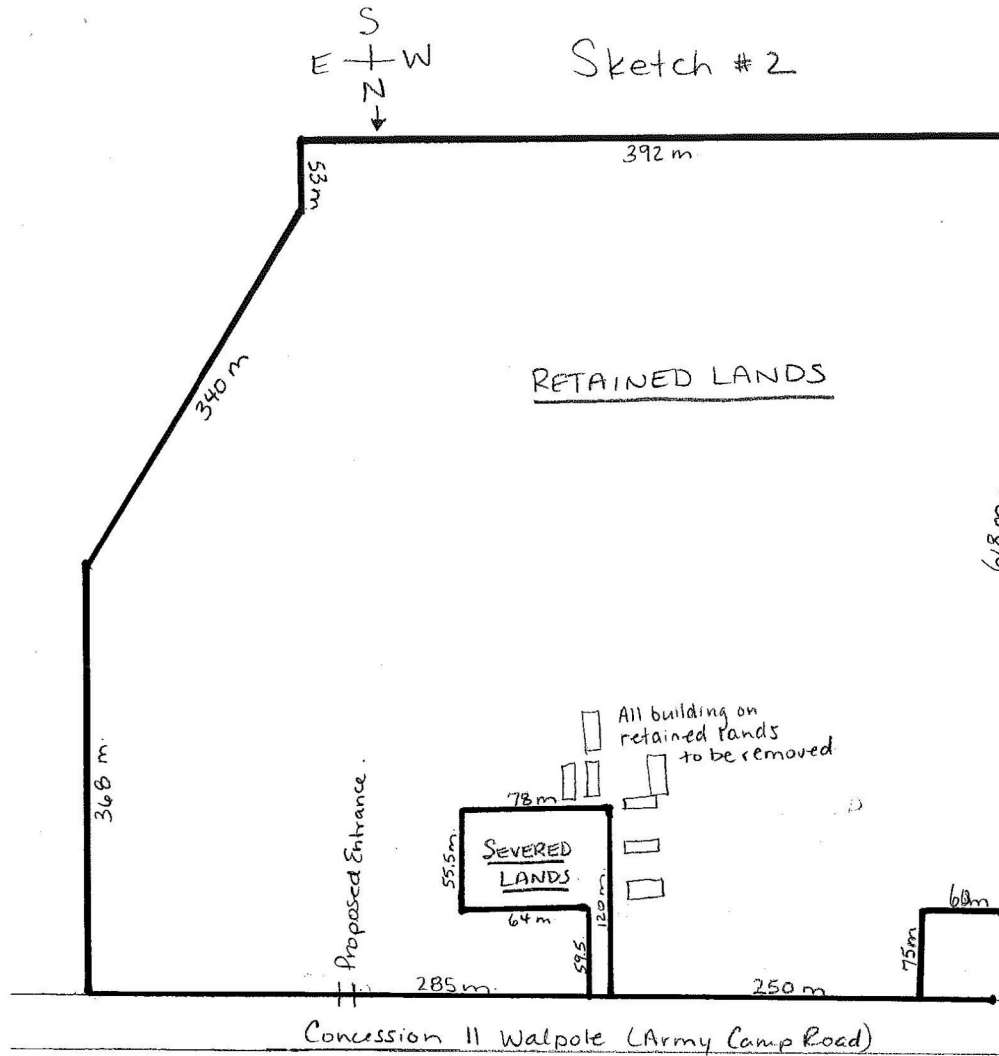
Size:
91.200 Acres

Zoning:
A (Agricultural)

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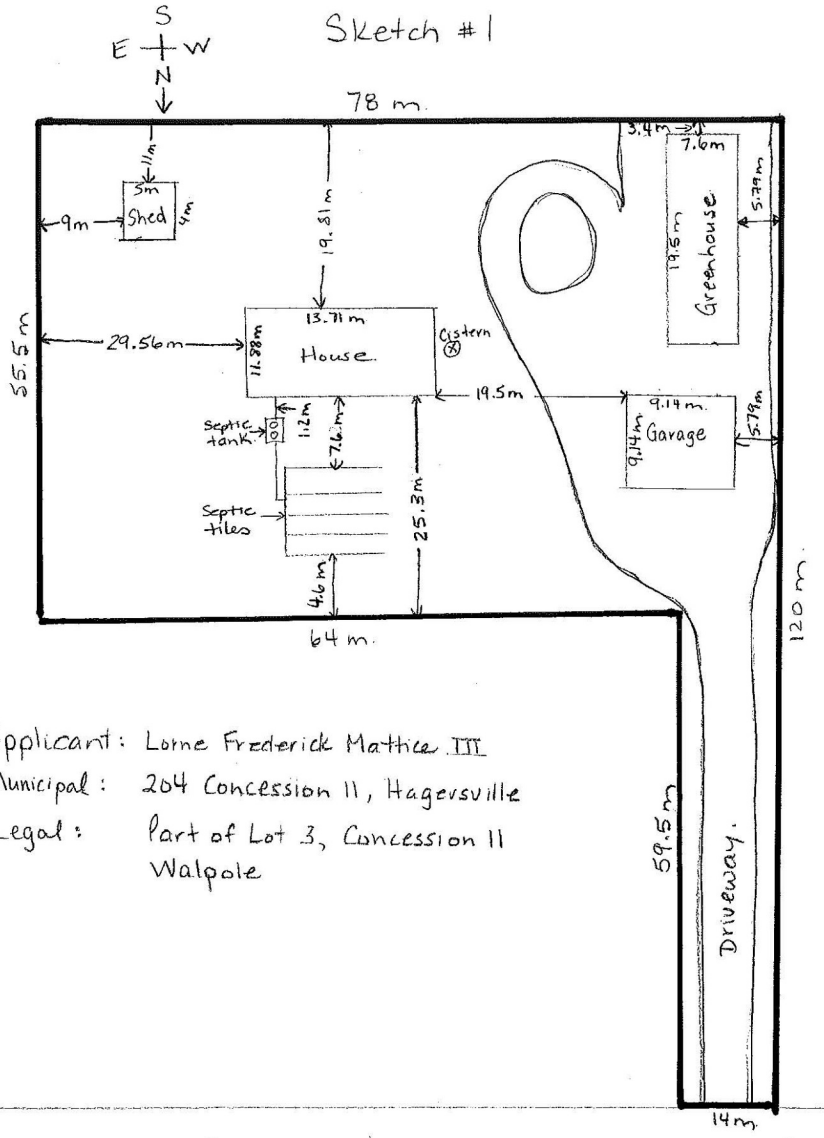


Owner's Sketch 1 of 2 FILE #PLB-2019-177 APPLICANT: Mattice III



Applicant: Lorne Frederick Mattice III
Municipal: 204 Concession 11, Hagersville
Legal: Part of Lot 3, Concession 11
Walpole

Owner's Sketch 2of2 FILE #PLB-2019-177 APPLICANT: Mattice III



Applicant: Lorne Frederick Mattice III
 Municipal: 204 Concession 11, Hagersville
 Legal: Part of Lot 3, Concession 11
 Walpole

Concession 11 Walpole. (Army Camp Road)



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLB-2019-178

PROPERTY ROLL NO: 2810-158-001-75800

APPLICANT: Jason & Jana Nagel

AGENT: C. Edward McCarthy

PROPERTY LOCATION: 5034 Rainham Road and legally described as Part Lot 15, Concession 1, Geographic Township of Rainham, Haldimand County.

PROPOSAL: The applicants propose to sever a lot containing an existing surplus farm dwelling. The severed lands will measure approximately 67 metres by 60.35 metres (219.8 feet X 197.9 feet), with an approximate area of 0.4 hectare (1 acre). The retained farm lands will have an area of 9.6 hectares (23.7 acres).

RECOMMENDATION:

That proposal PLB-2019-178, in the names of Jason and Jana Nagel, is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal conforms.

PLACES TO GROW: The proposal conforms.

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

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are zoned Agriculture (A) in the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The site is located on the southeast corner of Rainham Road and Reicheld Road. There is currently a single detached dwelling, one barn and three accessory structure located on the lands. The applicant are proposing to sever the single detached dwelling and have the barn and accessory buildings remain with the farm lands.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture

WEST – Agriculture

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Septic evaluation required. New civic address for retained lands.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No objections to the application.

HYDRO ONE: No concerns. Hydro service to the dwelling has been disconnected.

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 Official Plan permits the severance of a habitable farm dwelling that is a minimum of ten years in age and that is made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County subject to a number of additional criteria. The surplus farm dwelling is more than 10 years old and the applicant has submitted a declaration of habitability stating that the dwelling is habitable. The applicant also owns a farm with a dwelling located on it within Haldimand County. The proposal generally conforms to these items.

Additionally, the creation of a surplus farm dwelling is subject to the following criteria:

- a) The severance shall generally be 0.4 hectares to 0.6 hectares (1.0 acres to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of

production;

Planning Comment: The proposed severance is approximately 0.4 hectares (1 acre) and complies with the policy.

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

Planning Comment: A septic evaluation will be required as a condition of consent to ensure that the septic system adequately services the dwelling and is in conformity with the Ontario Building Code.

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

Planning Comment: It is planning staff's opinion that the proposal will not affect the operation or viability of the farm operation. The application complies with the non-farm lot size for a dwelling lot and minimizes the lands removed from the farm parcel.

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

Planning Comment: A livestock operation does not exist on the retained farmlands such that MDS 1 does not apply to this proposal.

- e) Severances shall not be permitted within 300 metres of licenced pits and 500 metres from licenced quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Comment: No waste disposal sites or licensed quarries were observed in the general vicinity.

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

Planning Comment: The severed lands will front onto Rainham Road, which is an open public road.

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

Planning Comment: Planning staff have no concerns.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the intent and purpose of the Town of Haldimand Zoning By-law 1-H 86. Therefore, planning staff recommends that this application be approved, subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The sign was posted at the time of site visit on November 21, 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 \$294.00 for deed stamping.
2. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
3. That the shared access to the severed and retained lands from Rainham Road must be stopped up and closed, separating the residential use from the retained agricultural lands, to the satisfaction of the Planning and Development Division.
4. That a new hydro service be connected to the dwelling and confirmation from Hydro One is required prior to the signing of the Certificate.
5. That an application for a new civic address be submitted for the retained parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
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 67 metres by 60.35 metres, containing an area of approximately 0.4 hectare. Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

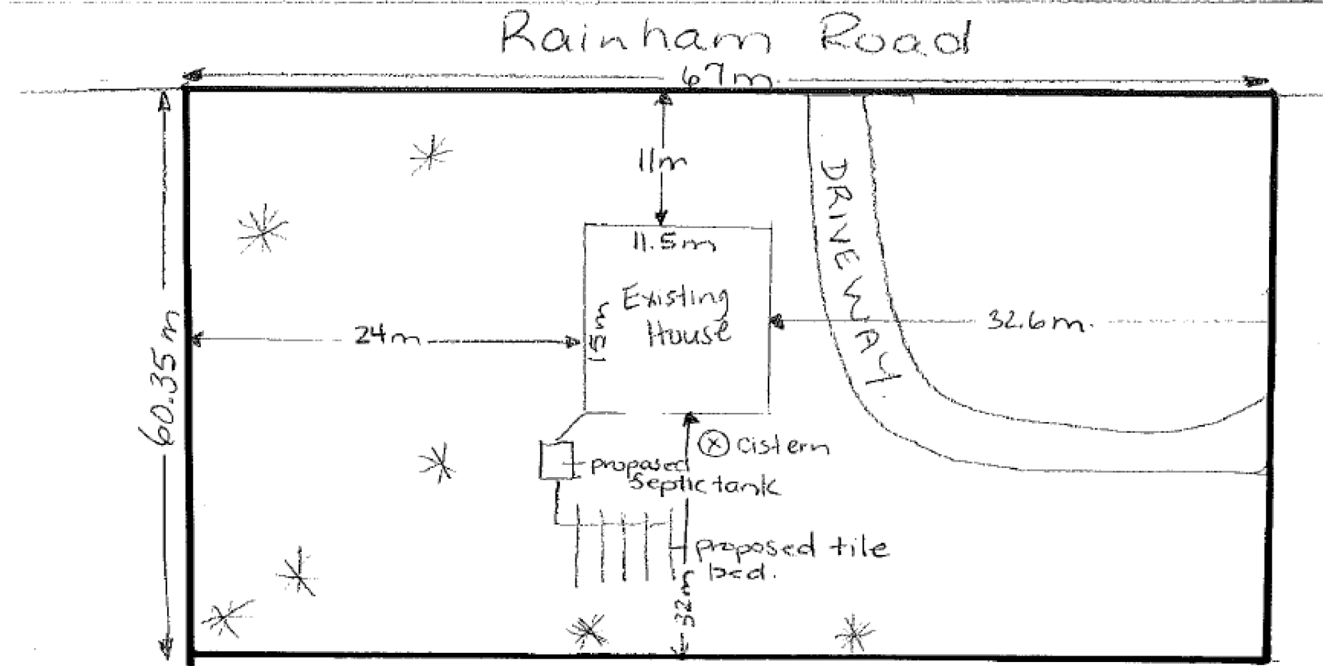
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum: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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 2020, after which time this consent will lapse.

***File No. PLB-2019-178
NAGEL, Jason & Jana
Assessment Roll No. 2810-158-001-75800***



Sketch #1

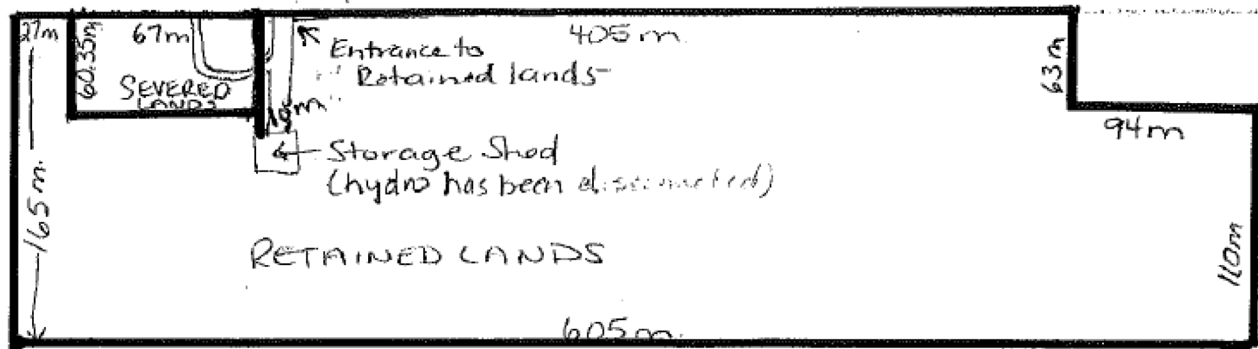


Applicants: Jason + Jana Nagel
Municipal: 5034 Rainham Road, Selkirk
Legal: Part of Lot 15, Concession 1,
Rainham.



Sketch # 2.

Rainham Road.



Applicants: Jason + Jama Nagel.

Municipal: 5034 Rainham Road, Selkirk

Legal: Part of Lot 15, Concession 1,
Rainham.



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019
FILE NO: PLB-2019-182
PROPERTY ROLL NO: 2810-158-001-82900
APPLICANT: Bains Brooke Acres Ltd.
AGENT: Richard Schilstra

PROPERTY LOCATION: 5365 Rainham Road and legally described as Part Lot 19, Concession 2, Geographic Township of Rainham, Haldimand County.

PROPOSAL: The applicants propose to sever an irregular shaped parcel of land as a boundary adjustment, containing an area of approximately 0.8 hectare. The severed lands will be added to the abutting property, known as 5353 Rainham Road. A church is proposed on the amalgamated property.

RECOMMENDATION:

That proposal PLB-2019-182, in the names of Bains Brokoe Acres Ltd., 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 Provincial Policy Statement (PPS) 2014 directs growth and development to settlement areas and promotes the vitality and regeneration of those areas. The church will serve residents of the hamlet (Sweets Corners) and surrounding agricultural areas. The proposal generally complies with the PPS.

PLACES TO GROW: The intent of The Growth Plan (2019) is to protect prime agricultural lands, directs growth to existing settlement areas and encourages intensification to promote complete communities that are compact, vibrant and optimize infrastructure. The Province has recently implemented regulations that encourage minor rounding out of rural settlement areas outside of a municipal comprehensive review and need for amendment to an Official Plan. This change to the Growth Plan serves to streamline that process and allows for the minor addition

to the settlement to create a developable property. Based on the foregoing, the proposal conforms to the regulations of the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Hamlet'. In this particular case, the Hamlet designation will be interpreted to extend to the additional lands to be added to the property as the Official Plan policies reflect the policies set out in the Growth Plan that permit the minor rounding out of lands.

Within the Hamlet designation, institutional uses such as churches are permitted as it is a use that services the community within the area.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: Through application PLZ-HA-2018-168 the property was rezoned Rural Institutional (IR). A church is a permitted use within this zone.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The subject lands are located on the north side of Rainham Road, east of Sweets Corner Road and west of Brooker Road. The site is across the road from the existing Christian Disciple Church.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Residential

WEST – Residential

SOUTH – Institutional (Church)

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Drainage re-apportionment agreement is required (see attached Condition No. 4)

MISSISSAUGAS OF THE NEW CREDIT: Circulated, no comments received.

SIX NATIONS: Circulated, no comments received.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Circulated, no comments 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 applicants are proposing a boundary adjustment in order to permit the construction of a new church. To facilitate development of the institutional use, this proposal has been rezoned appropriately from 'Hamlet Residential' and 'Agriculture' to 'Rural Institutional', which permits a place of worship, including a church. The rezoning was approved by Council in Committee on October 29th, 2019, and ratified on November 4th, 2019.

The proposed church, which is to be located on land on the north side of Rainham Road, is intended to replace an existing church located almost immediately south on Rainham Road. The current church to the south of the subject lands does not meet modern standards for accessibility) and faces constraints if enlarged.

The applicants are proposing to sever approximately 0.95 hectares (2.35 acres), which follows the boundaries of the wooded area and water course, from the subject lands, to be merge with the adjacent property municipally known as 5353 Rainham Road .

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. The severed parcel has been determined to be within the Hamlet boundary since there is natural water course and vegetation that dissects the property creating a separation between the developable lands and agricultural lands. Therefore no farm lands will be impacted by the boundary adjustment. 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 severed parcel will meet the requirements of the "Rural Institutional" zone requires a lot area and a lot frontage, while, the retained parcel will maintain the provisions of the 'Agriculture' 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 Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The sign was posted at the time of site visit on November 21, 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. 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 Benjamin Deboer & Deboer Acres Holsteins Inc. and further identified as Roll No. 2810-158-001-82700, 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 Benjamin Deboer & Deboer Acres Holsteins Inc..
4. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6415, for further clarification.
5. That the owner'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.
5. 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.
6. Receipt of a copy of the registered reference plan of the irregular shaped, severed parcel, containing an area of approximately 0.8 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 December 17, 2020, after which time this consent will lapse.

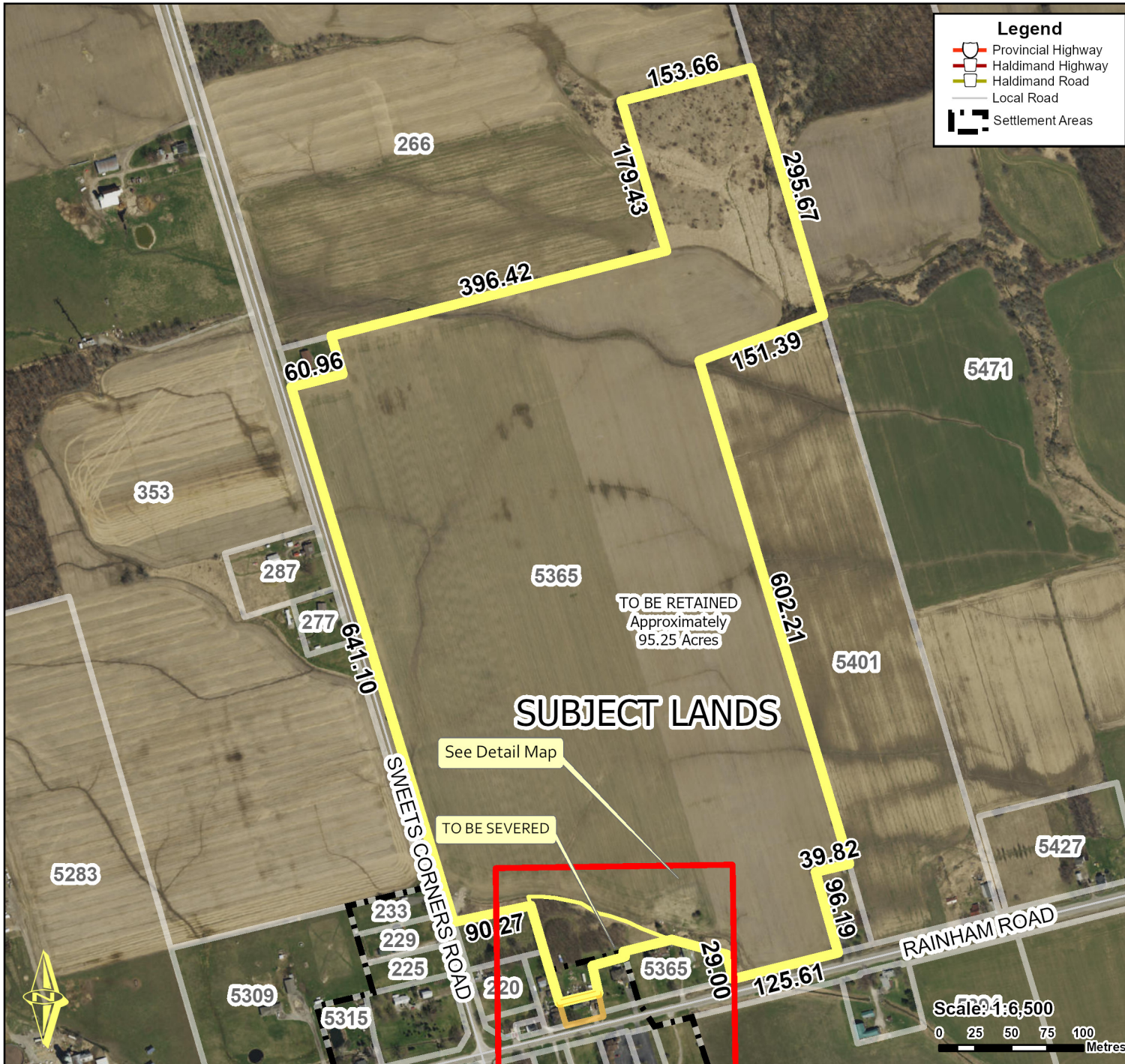
File No. PLB-2019-182
BAINS BROOK ACRES LTD.
Assessment Roll No. 2810-158-001-82900

Location Map FILE #PLB-2019-182 APPLICANT: Bains Brook Acres Ltd.



Legend

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



Location:
5365 RAINHAM ROAD
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2

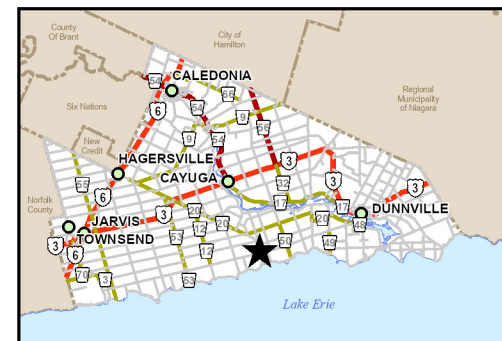
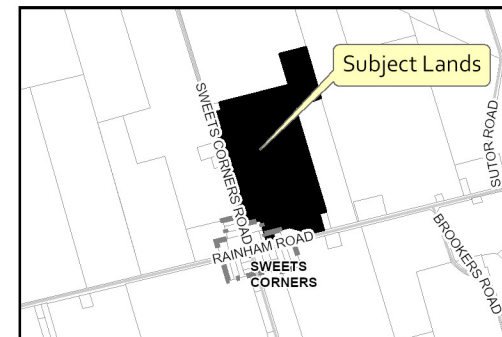
Legal Description:
RAINHAM CON 2 PT LOT 19
RP 18R3219 PT PART 1

Property Assessment Number:
2810 158 001 82900 0000

Size:
97.75 Acres

Zoning:
A (Agricultural) & RH (Hamlet Residential)

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-2019-182 APPLICANT: Bains Brook Acres Ltd.





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: December 17, 2019

FILE NO: PLA-2019-179

PROPERTY ROLL NO: 2810-023-002-26000

APPLICANT: Michael & Amanda Marcotte

PROPERTY LOCATION: Part Lot 12, Range 2 from Grand River, Geographic Township of Moulton, 905 Bird Road

PROPOSAL: The applicants propose to construct an accessory structure approximately 9.75 metres by 13.71 metres (31.9 feet X 44.9 feet), with a height of 7.22 metres (23.7 feet). Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 to increase the maximum permitted height as follows:

Development Standards	Required	Proposed	Deficiency
Maximum Height Accessory Structures	6.5 metres (23.1 feet)	7.22 metres (23.7 feet)	0.72 metre (2.4 feet)

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

RECOMMENDATION

That proposal PLA-2019-179, in the names of Michael and Amanda Marcotte, 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 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 proposal conforms to the policies.

PLACES TO GROW: The proposal conforms to the policies.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The property is designated 'Agriculture'. The proposed accessory structure is a permitted use within this designation.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The property is zoned 'Agriculture' (A). An accessory structure is a permitted use within this zone.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The subject lands are located on the south side of Bird Road, east of Highway 3 and west of Mumby Road. The site currently contains a single detached dwelling and a shed. The rear of the property is heavily treed and a pond is located towards the front of the property.

SURROUNDING LAND USES:

NORTH – Agricultural (rural residential lots)

EAST – Agricultural (rural residential lots)

WEST – Agricultural

SOUTH – Agricultural (wooded area)

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Front yard setback to be conformed as 13 metres from front property line, no buildings or structures are permitted to be located within the front yard setback.

Note: The proposed building location will have a setback of approximately 62 metres (203 feet) and will comply

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: The subject lands are included within the McNichol, Dent and Maple Creek Drains. No objections at this to the proposal.

GRAND RIVER CONSERVATION AUTHORITY: No objection. A permit is required from the GRCA prior to construction

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 “Agriculture” within the Haldimand County Official Plan. A single detached dwelling and accessory structure are permitted forms of development within this designation. The applicants are seeking relief from the Zoning By-law to permit an accessory structure with an increased height. 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 ‘Agriculture’ (A). The ‘A’ Zone permits single detached dwellings as well as accessory structures. The application is to facilitate the construction of a detached garage with an increase height of 7.22 metres (23.7 feet), where 6.5 metres (21.3 feet) is permitted. The applicants are proposing to exceed the permitted height by 0.72 metres (2.7 feet). The requested variance generally maintains the intent of the Zoning By-law since the proposed accessory structure is a permitted use and will not obstruct, or alter the character of the existing neighbourhood. Additionally, the proposed increase in height will still allow the garage to remain subordinate to the single detached dwelling. Staff note that should the accessory structure be located within the required front yard setback a further variance will be required. Based on the foregoing, it is planning staff’s opinion that the proposed increase in height for an accessory structure 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 urban area of Moulton. The applicants are proposing to construct an accessory structure that exceeds the permitted height by 0.72 metres (2.7 feet). The development is appropriate since the structure will be subordinate to the existing dwelling and will not negatively affect adjacent properties and will maintain the character of the existing neighbourhood. The proposed increase to height will have minimal visual impact on the subject lands and adjacent uses.

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.

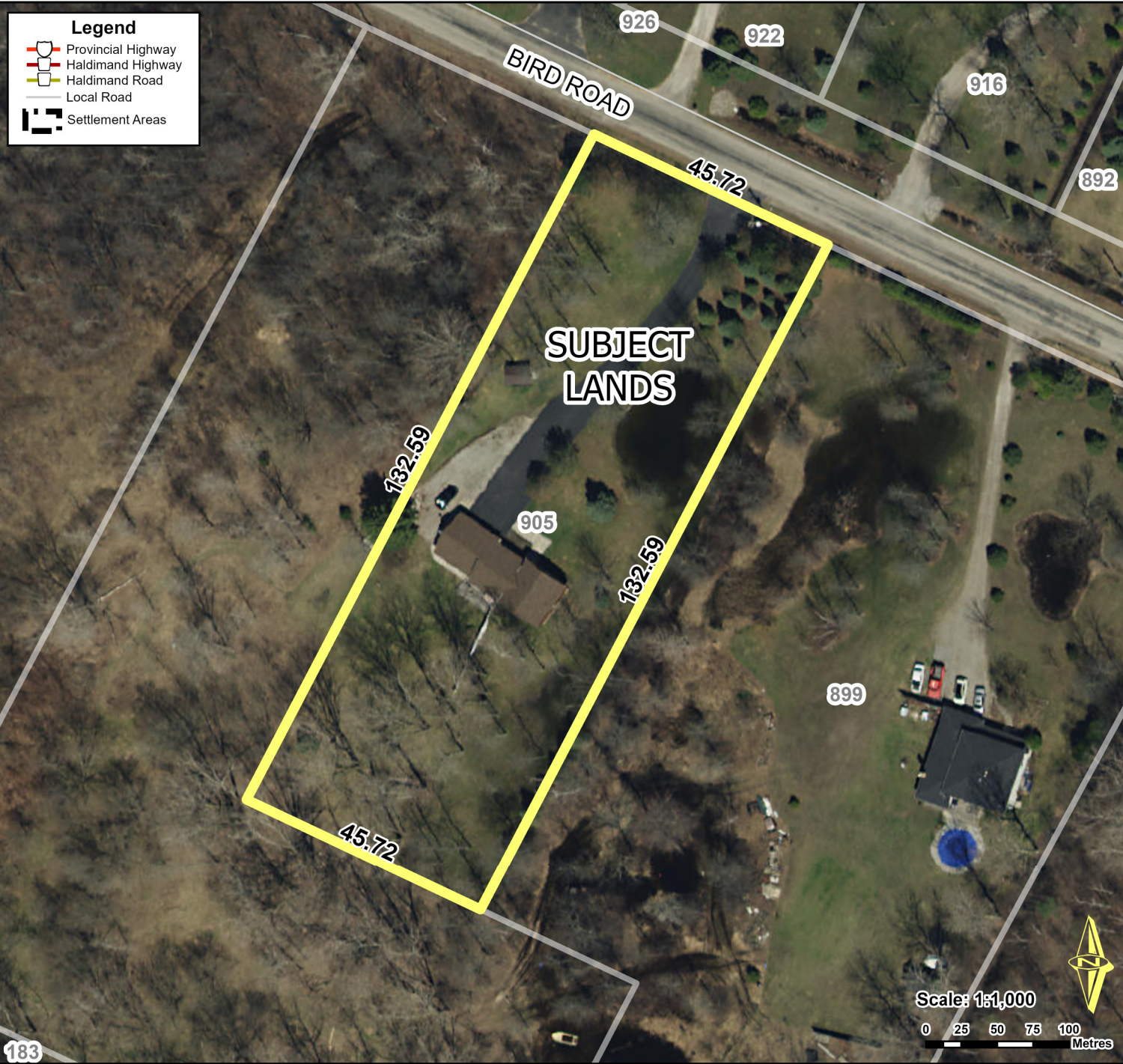
NOTICE SIGN POSTED: A sign was posted at the time of site visit on November 21, 2019.

Prepared by:



Alicia West
Planner

Location Map FILE # PLA-2019-179 APPLICANT: Marcotte



Location:
 905 BIRD ROAD
 GEOGRAPHIC TOWNSHIP OF MOULTON
 Ward 5

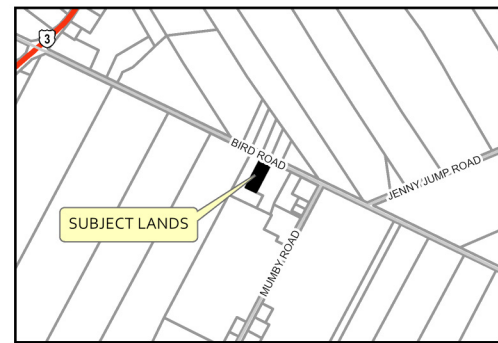
Legal Description:
 MLT RANGE 2 GR PT LOT 12

Property Assessment Number:
 2810 023 002 26000 0000

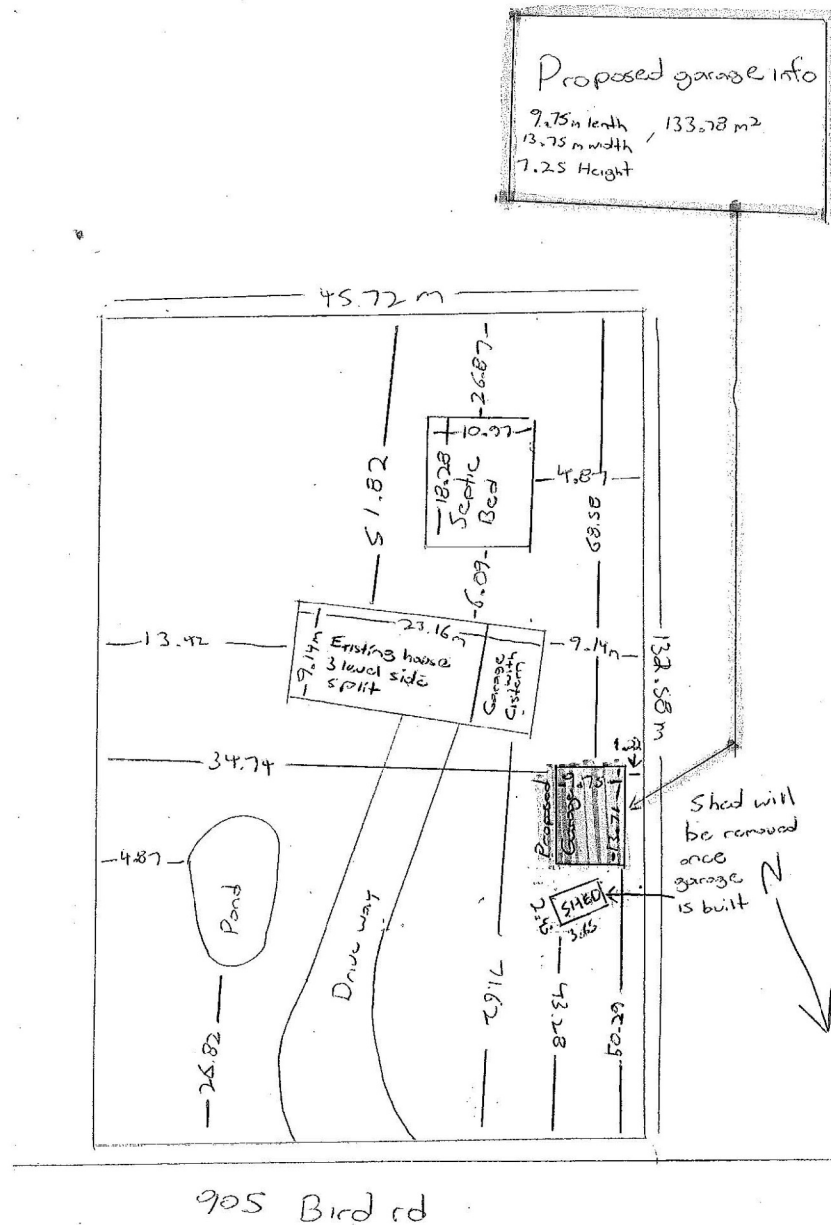
Size:
 1.50 Acres

Zoning:
 A (Agriculture)

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



Owner's Sketch FILE # PLA-2019-179 APPLICANT: Marcotte





Memo

Date: December 17, 2019
To: Chair Paul Brown and Members of Committee of Adjustment
From: Laurie Fledderus, Secretary-Treasurer
RE: PLB-2019-169 – James W. Siddall

This application was deferred at the November 12, 2019 Committee of Adjustment meeting to allow the applicant an opportunity to post the public notice sign on the property, per the requirements of the *Planning Act*.

The applicant advised Planning staff that the sign was posted on November 21, 2019.

The original staff report is attached for Committee's information.

Laurie Fledderus



**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:



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

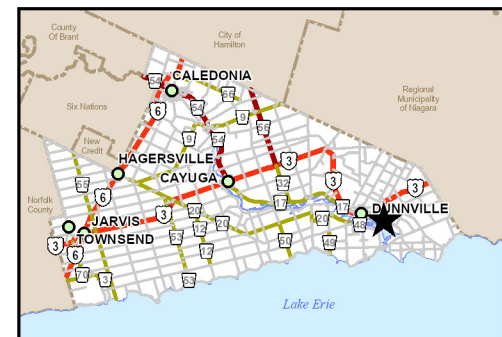
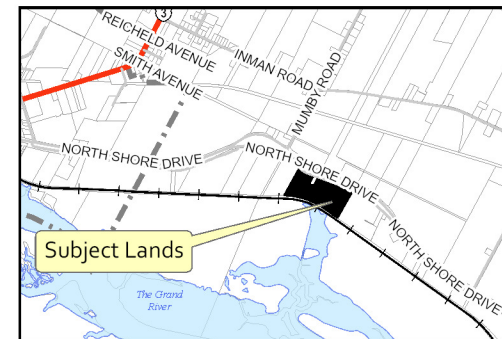
Size:

23.69 Acres

Zoning:

A (Agricultural)

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



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

