



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: February 11, 2020

FILE NO: PLB-2019-153

PROPERTY ROLL NO: 2810-332-001-48400

APPLICANT: Dick & Elizabeth Devries

AGENT: Brian Blackwell,
Stantec Consulting

PROPERTY LOCATION: Part Lot 5, Concession 3, Geographic Township of Walpole,
Concession 3 Road

PROPOSAL: The applicants propose to sever a parcel of land approximately 613 metres by 213 metres. An industrial liquid asphalt storage and facility is proposed on the severed parcel.

RECOMMENDATION:

That application PLB-2019-153, in the names of Dick & Elizabeth Devries, is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the City of Nanticoke Zoning By-law NE-1 2000. Therefore, planning staff recommends approval of the proposal subject to the attached conditions.

ANALYSIS SUMMARY

The land use policies to support the proposed severance were reviewed as part of a combined Official Plan and Zoning By-law amendment that was approved on January 14, 2020 (PLOP-2019-164); this analysis provides a brief summary of that review to support the proposed severance. The applicants intend to sever lands required to support a liquid asphalt storage facility on lands located in the 'Agriculture' Zone that are required to be in close proximity to Imperial Oil. Suit Kote, the intended operator of the subject lands, receives asphalt products from oil refineries that are then used in the road construction and road maintenance industry.

PROVINCIAL POLICY STATEMENT:

The subject lands are designated 'Agriculture' within Haldimand County's Official Plan, and the Provincial Policy Statement identified specific requirements for the removal of agricultural lands from agricultural uses. Removal of lands must be considered under the following criteria:

1. The land does not comprise a specialty crop area;

Planning Comment: The subject lands are classified as Class 3 soils in the Canada Land Inventory (CLI) Land Classification index. While the site does contain soils that are identified as prime agricultural lands, they are not used for the growing of tender fruits, grapes, or other fruit crops or vegetable crops, the lands are not subject to special climactic conditions or any other factors that establish them as being appropriate for specialty crop growth. Also, there are lands in the vicinity of those subject to these applications that are designated 'Industrial' in the HCOP; while designated 'Agricultural' the lands are located within the Industrial Influence Area as identified in the HCOP. This policy test is not offended by permitting the development proposed.

2. The proposed use complies with minimum distance separation formulae;

Planning Comment: There are no livestock farming operations located in the vicinity of the subject lands, thus staff is confident that minimum distance separation (MDS) will not be a factor that leads to any land use compatibility issues for this proposal. Furthermore, the lands surrounding those subject to these applications are designated Industrial, and no livestock operations have been proposed. This policy test is not offended by permitting the expansion of the use onto agricultural lands.

3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and

Planning Comment: The proponents have investigated other locations within the County, but have determined that available sites would not be suitable relative to their market. Further, of potentially available lands, the size of the properties were well in excess of the proponent's requirements. The proponents sought a number of properties within Haldimand County but the list of features that the properties must exhibit was quite exclusive. The land needed to be a suitable size and not excessive, adjacent to and capable of being serviced by rail lines and accessible to major roadways. A number of properties were presented through the County's pre-consultation process, but any of the other lands were systematically disqualified based on the availability of the required elements. The subject property was the only site that satisfied the fundamental requirements to support the desired operations that are proposed to take place. The proponents have been utilizing the subject property for the last nine years to facilitate their business in a smaller capacity. The attributes of the property lend itself not only for continued use at this scale, but also for the proposed expansion. The rail lines are used by Imperial Oil, which is a well established industrial business located in Haldimand, and this company will benefit from the proposed industrial development (e.g. storage at this site allows for increases in production at Imperial Oil). The expansion to the rail lines will occur on property owned by CN rail, but will be carried out to support the proposed use for the subject lands. The subject lands are unique given their proximity to the industrial designations as shown in the Official Plan, and they are located within the Industrial Influence Area. As such, this property was identified for its proximity to their market, and the fact that there is sufficient size for the use to be established. The proximity to the subject market is also facilitated by the proximity of the subject lands to the rail lines, which will serve to transport product to the site and from the facility to jobsites.

In addition to the above, while locating this type of use within an existing employment lands area would be supported by policy, it does not represent a use that would efficiently utilize investments in services (i.e. it does not require water or sanitary for processing, manufacturing, etc.). Further, the use is not an employment generator of the scale that is typically envisioned for the County's designated employment lands. The proposed use is projected to create 5-10 full time jobs directly associated with the site. Given these characteristics, siting the use on an alternative appropriately located site, is viewed by staff as appropriate.

The proposed use satisfies this need, insofar as it is a relatively low impact use that will not interfere with future development opportunities for the lands to the east and west, and is not anticipated to negatively impact the lands to the north and south. This policy test is not offended by permitting the use on Agricultural lands.

4. Alternative locations have been evaluated, and:
 - a. There are no reasonable alternative locations which avoid prime agricultural areas.
 - b. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Planning Comment: The proponents conducted a review of the surrounding area for lands that are not within the Agricultural area of the County, and were unable to find lands suitable enough to accommodate the use that they wish to establish. This is due to the fact that parcels within other employment areas are not located in proximity to transportation routes as major as the adjacent rail lines, and are typically too large for the use that is proposed. Furthermore, the proposed use will benefit from being able to capitalize on the infrastructure that exists, as well as receive a direct benefit from being located close to Imperial Oil. Imperial Oil itself will also benefit from this use, as the products used for asphalt are a limiting factor in terms of refinery capacity. Finally, the proponents are requesting that the proposed development be subject to a special policy area and special provision that permits the asphalt storage facility in addition to the uses permitted in the Agricultural designation and the A zone. This approach would avoid removing the Agricultural designation and A zone entirely and the proposal will add the desired use to those permitted as of right already. A lengthy examination of the impact on the local road system was discussed at CIC as part of the OP and zoning changes that were approved by Council. During the site plan process the requirement to make changes and improvements to the road system within the area will be conditions of site plan approval as the development proceeds.

For these reasons, Planning staff are satisfied that this policy test is not offended by permitting the establishment of the use onto Agricultural lands.

Based on the foregoing, the proposal is considered consistent with the Provincial Policy Statement, and satisfies the Criteria for Removal of Prime Agricultural Lands. The application constitutes removal of minimal agricultural lands for the proposed use.

PLACES TO GROW: The proposal conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands have recently been designated HCOP—52, which permits an asphalt storage facility; the proposal conforms.

CITY OF NANTICOKE ZONING BY-LAW NE-1 2000: The subject lands have recently been zoned 'Agriculture' with Special Provision A.54 which permits an asphalt manufacturing facility.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed on-site on in the general area.

SITE FEATURES: The subject lands are currently vacant.

SURROUNDING LANDS:

NORTH – Agriculture.
EAST – Agriculture/Natural Gas facility
WEST – Agriculture/Lake Erie Industrial Park
SOUTH – Agriculture/Stelco

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: A new civic address should be assigned. Confirmation to be provided that the ground mounted solar trackers meet the minimum required setbacks (see attached Condition Nos. 2 & 3.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Future development will be covered by site plan control. Road upgrades may be required.

HYDRO ONE: No concerns or comments

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:

Although lot creation for non-agricultural uses is generally discouraged throughout the PPS and Official Plan, sufficient evidence has been provided to necessitate the use and resulting proposed severance in close proximity to Imperial Oil: the applicants will rely on asphalt products from Imperial Oil for road construction and maintenance.

Haldimand County's Official Plan allows for new lots for commercial, industrial and institutional purposes in an area not designated Agriculture, provided that development issues such as servicing, drainage, road patterns, screening, buffering separation from sensitive land uses and other relevant land use matters have been addressed to the satisfaction of the County. Although the subject lands are designated 'Agriculture', they have recently been given a special provision (HCOP – 52) which adds an industrial use – asphalt storage facility – to the permitted uses, essentially allowing the subject lands to function as an industrially designated property. The proposed severance is limited to the area required from the asphalt facility, and the retained lands will remain designated and used agriculturally. Potential development issues were reviewed with policy issues during the OPA/ZBA process, and staff are satisfied that the severance may proceed.

The subject lands are further located in Haldimand County's 'Industrial Influence Area (IIA)'. The IIA's purpose is to restrict new land uses which are incompatible with major industrial operations, like Imperial Oil. The proposed asphalt use is compatible and partnered with a major industrial use.

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 City of Nanticoke Zoning By-law NE-1 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 public notice sign was posted during a site visit on January 31, 2020.

Prepared by:



Justin Miller
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 \$301.00 for deed stamping.
2. That an application for a new civic address be submitted for the severed parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
3. That proof be provided to the Building Controls and By-law Enforcement Division, that the ground mounted solar trackers meet the minimum required yard setbacks. Contact the Building Controls and By-law Enforcement Division at 905-318-5932 for further details
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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 613 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 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
6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 11, 2021, after which time this consent will lapse.

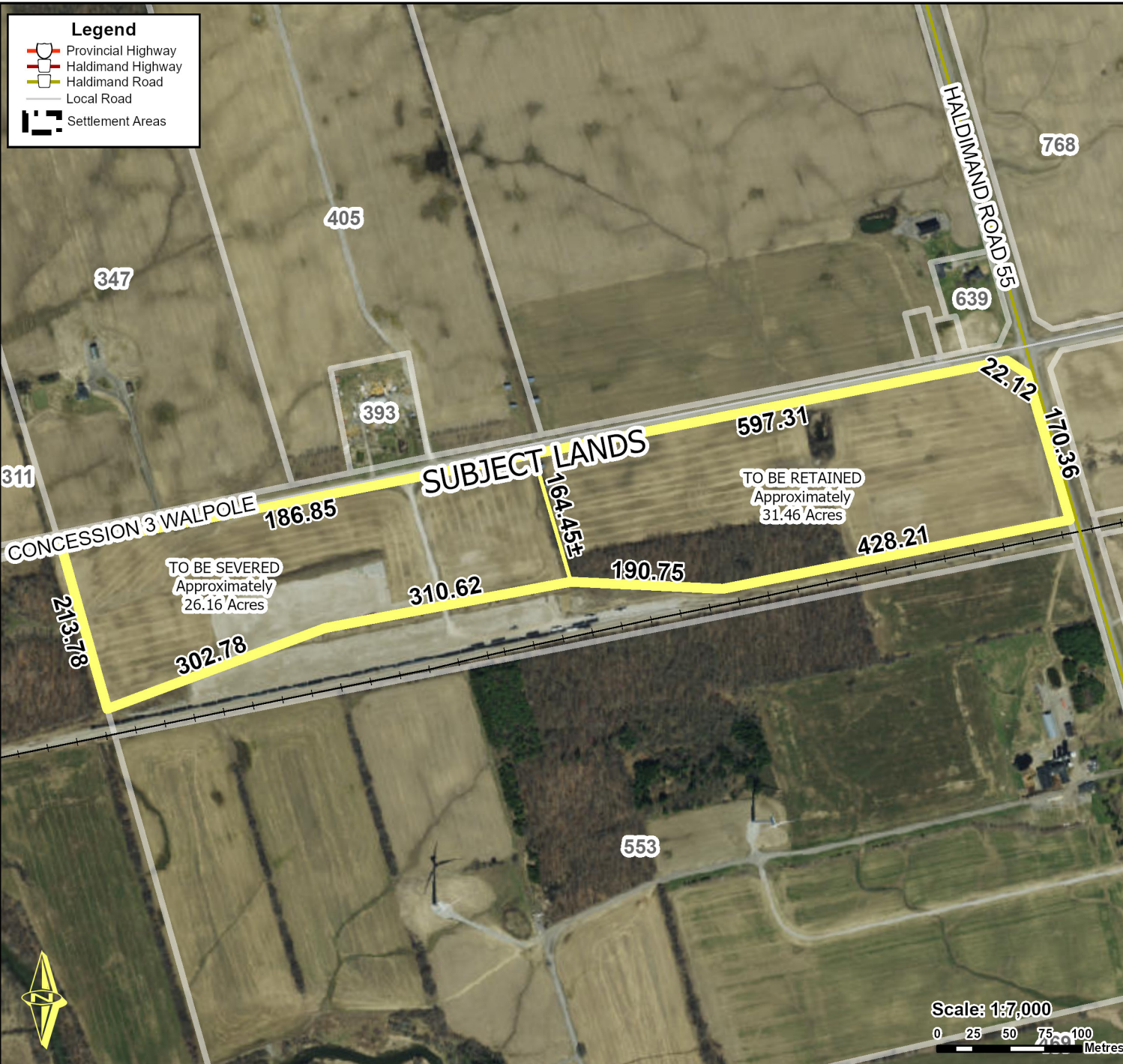
File No. PLB-2019-153
DEVRIES, Dick & Elizabeth
Assessment Roll No. 2810-332-001-48400

Location Map FILE #PLB-2019-153 APPLICANT: Devries



Legend

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



Location:

**CONCESSION 3 WALPOLE
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

**WAL CON 3 PT LOTS 5 & 6 RP
18R 4628 PART 1**

Property Assessment Number:

2810 332 001 48400 0000

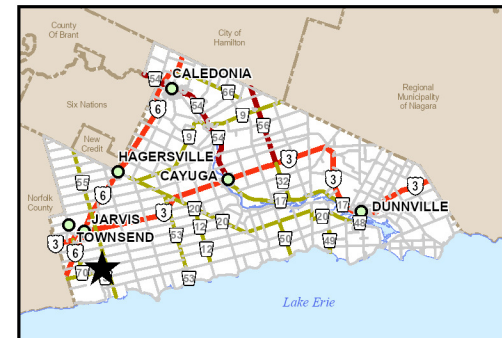
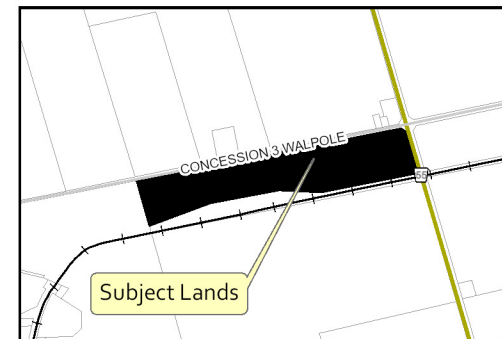
Size:

57.62

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-2019-153 APPLICANT: Devries





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: February 11, 2020

FILE NO: PLB-2019-200

PROPERTY ROLL NO: 2810-158-002-61400

APPLICANT: Wayne Fleming & Charlene Whyte

PROPERTY LOCATION: Part Lot 6, Concession 4, Geographic Township of Rainham, 335 Haldimand Road 12

PROPOSAL: The applicants propose to sever a lot containing a surplus farm dwelling and accessory structures. The severed lands will measure approximately 71 metres by 88.4 metres, and will contain an area of approximately 0.63 hectare (1.6 acres).

RECOMMENDATION:

That application PLB-2019-200, in the names of Wayne Fleming & Charlene Whyte, is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) conforms to the Haldimand County Official Plan and meets the criteria and intent of the Town of Haldimand Zoning By-law 1-H 86. Therefore, planning staff recommends approval of the proposal subject to the attached conditions.

ANALYSIS SUMMARY

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

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

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

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The subject lands are zoned 'Agriculture'. The proposal conforms.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: There were no livestock operations declared or observed on-site on in the surrounding area.

SITE FEATURES: The subject lands are located south of the Hamlet of Fisherville, and the proposed severed lands have frontage on the west side of Haldimand Road 12. The subject

lands contain a single family dwelling and approximately four accessory structures, three of which appear to be historic farm structures, and one that appears to have been construct as a detached garage.

SURROUNDING LANDS:

- NORTH** – Agriculture.
- EAST** – Agriculture.
- WEST** – Agriculture.
- SOUTH** – Agriculture.

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Septic evaluation required. The total area of all accessory structures is 822.84 square metres, per Section 6.7, Zoning By-law 1-H 86 a maximum of 200 square metres is permitted. Height of all accessory structures should be provided.

Planning Comment: Because the proposed severance is greater than 0.6 hectares (1.48 acres), (proposed as: 0.63 ha/1.55 acres) the applicants will be required to proceed through the re-zoning process; at that point, the additional accessory structures included in the severance with the dwelling can be recognized via the zoning by-law amendment process. The required zoning by-law amendment will be a condition of consent.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Entrance to retained lands was not shown on the applicant’s sketch, therefore an entrance permit may be required for the retained lands. See attached Condition No. 2.

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:

Haldimand County’s 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 severance 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 0.63 hectares, which is slightly larger than is generally supported; however, in staff's opinion, the very slight increase to the maximum supported size is acceptable due to the location of the existing accessory structures, which are so close to the house that they would cause undesirable land use conflicts if they were to remain the farm. Due to the oversized severance, as a condition of consent, the applicants will be required to complete a zoning by-law amendment to recognize the existing structures, and to freeze the remnant agricultural lands from new residential uses.

- 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.

- 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 Haldimand Road 12, 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: A public notice sign was posted during a site visit on January 20, 2020.

Prepared by:



Justin Miller
Planner

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

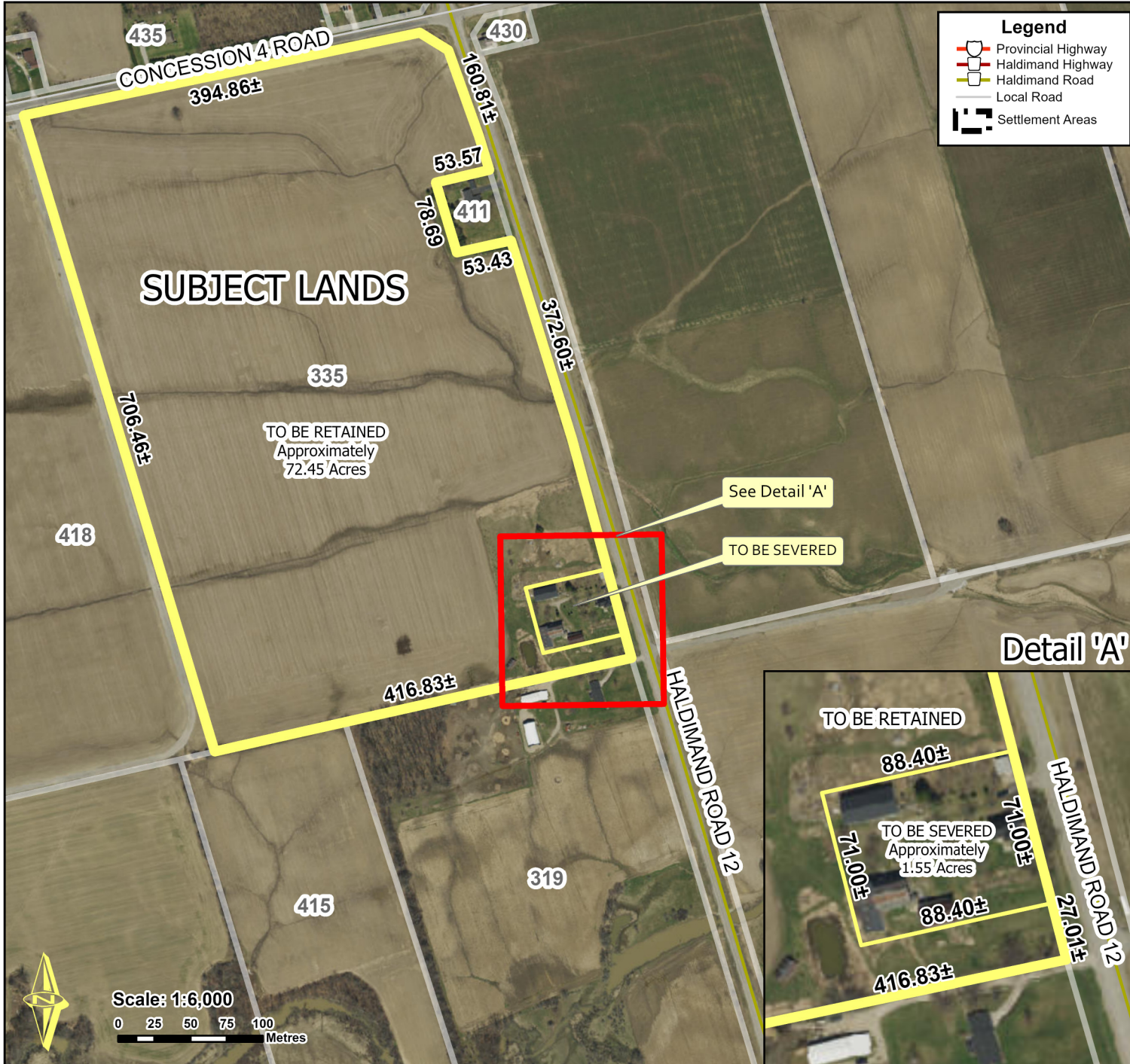
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$301.00 for deed stamping.
2. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months 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. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for the retained lands. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
4. 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.
5. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 71 metres by 88.4 metres, containing an area of approximately 0.63 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 February 11, 2021, after which time this consent will lapse.

***File No. PLB-2019-200
FLEMING, Wayne & WHYTE, Charlene
Assessment Roll No. 2810-158-002-61400***

Location Map FILE #PLB-2019-200 APPLICANT: Fleming & Whyte



Location:
335 HALDIMAND ROAD 12
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2

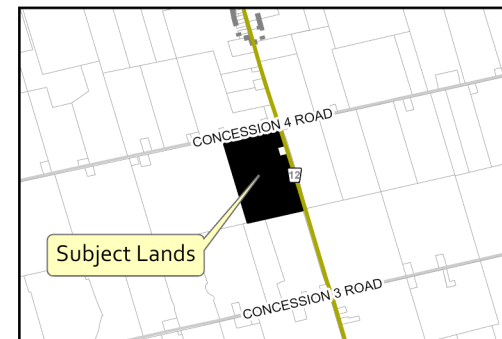
Legal Description:
RNH CON 3 PT LOT 6

Property Assessment Number:
2810 158 002 61400 0000

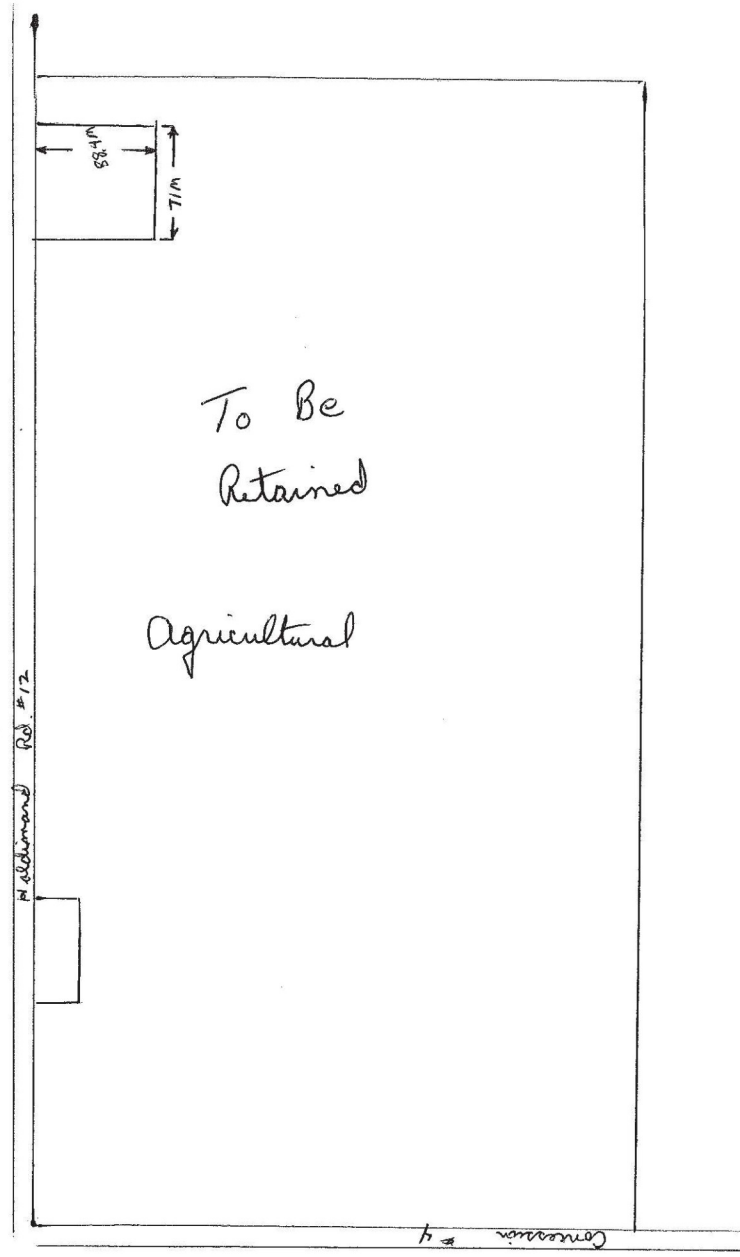
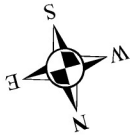
Size:
74.00 Acres

Zoning:
A (Agricultural)

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Owner's Sketch 1 of 2 FILE #PLB-2019-200 APPLICANT: Fleming & Whyte





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: February 11, 2020
FILE NO: PLA-2020-004
PROPERTY ROLL NO: 2810-021-003-056000
APPLICANT: Gregory Hedley & M. Pamela Hedley
AGENT: Gregory Hedley

PROPERTY LOCATION: Part Lot 24, Concession 4, South of Dover Road, Geographic Township of Dunn, 41 Lighthouse Drive

PROPOSAL: The applicants propose to construct a two storey accessory structure. Relief is requested from the provisions of the RH Zone of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Maximum Height for Accessory Structures	5.2 metres	7.47 metres	2.27 metres
Minimum Side Yard Setback For An Accessory Use	1.5 metres	1.45 metres	0.05 metres

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

RECOMMENDATION

That application PLA-2020-004, in the names of Gregory Hedley and M. Pamela Hedley, is consistent with Provincial Policy (2014), conforms to the Province’s Growth Plan (2019) and Haldimand County’s Official Plan, and meets the general purpose and intent of the Town of Dunnville Zoning By-law 1-DU 80. It is also considered minor in nature and appropriate development of the lands; therefore, planning staff recommends approval of this application subject to the following conditions:

1. The development shall be in accordance with the attached sketch;
2. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter

can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification; and

3. A permit be obtained from the Grand River Conservation Authority, if required

ANALYSIS SUMMARY

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

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

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

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

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands have frontage on the south side of lighthouse drive, immediately west of an Anglican church and cemetery. The subject lands are further bound by Lake Erie to the south and contain a cottage and existing accessory structure (to be replaced by this application).

SURROUNDING LAND USES:

NORTH – Agricultural uses.
EAST – Church and cemetery.
WEST – Seasonal residential uses.
SOUTH – Lake Erie.

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Direct run-off to watercourse assurances (in lieu of grading plan) required. See Condition 2 above.

GRAND RIVER CONSERVATION AUTHORITY: 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 RATIONALE

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

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

Planning Comment: The subject lands are designated 'Hamlet' and are located in the Hamlet of Port Maitland, which is a settlement area on the west side of the mouth of the Grand River. The applicant is requesting to replace an exiting oversized accessory structure with a new one. Relief for the existing accessory structure (to be replaced) was previously given via a zoning by-law amendment and continues to provide relief from front yard setback for the proposed structure. The proposed replacement structure is intended to be 2.27 metres (7.4 ft) taller than was previously permitted. Given the similar size of the accessory structure, planning staff find that the proposal meets the general intent and purpose of the official plan.

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

Planning Comment: The subject lands are zoned 'Hamlet Residential (RH)' Zone with Special Provision 37.308 which permits alternate lot areas and setbacks in two parts; the proposed accessory structure is impacted by 'Part 2' of this special provision. Part 2 of this special provision establishes alternative zone provisions, including:

- a) The minimum lot area shall be 1112.25 square metres;
- b) The minimum front yard setback shall be 2.7 metres;
- c) The minimum interior side yard setback shall be 0.7 metres;
- d) The maximum height of an accessory use shall be 5.2 metres;
- e) The minimum front yard setback for an accessory use shall be 5.2 metres; and
- f) The minimum side yard setback for an accessory use shall be 1.5 metres.

The special provision setbacks were intended to permit the existing accessory structure, and in all cases, except for height, the proposed accessory structure will not meet or exceed the special provision standards: compared to the existing structure, the proposed front yard setback will move from 2.78 m to 5.4 m; the interior side yard setback will move from 0.7 m to 1.45 m. The increased setbacks associated with the proposed structure will increase visibility for vehicles traveling on the road, and will decrease the likelihood of damage to the structure from winter road controls and other activities on Lighthouse Drive. The proposed increase to height is well mitigated by the proposed structure's retreat from Lighthouse Drive.

The applicants have indicated that the height of the proposed structure was always anticipated by the County via the special provision placed on the subject lands, but

between the granting of the special provision and this hearing today, the County has changed the method through which the height of a building is determined: prior to 2011, building height was determined as “the mean height between the eaves and the ridge”; the current definition in the Town of Dunnville Zoning By-law 1-DU 80 has revised the definition to “the highest point of the ridge” – now rendering the proposed structure too exceed the maximum height permitted within the By-law.

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

3. Is the proposal considered minor in nature?

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

4. Is the proposal considered appropriate and compatible development?

Planning Comment: The subject lands are located in a Hamlet close to Lake Erie. Given the location of the subject lands, the location of the existing accessory structure, and the location of the proposed accessory structure, it is planning staff’s opinion that the proposal is considered appropriate and compatible development.

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

NOTICE SIGN POSTED: A public notice sign was posted during a site inspection on January 20, 2020.

Prepared by:



Justin Miller
Planner

Location Map FILE # PLA-2020-004 APPLICANT: Hedley



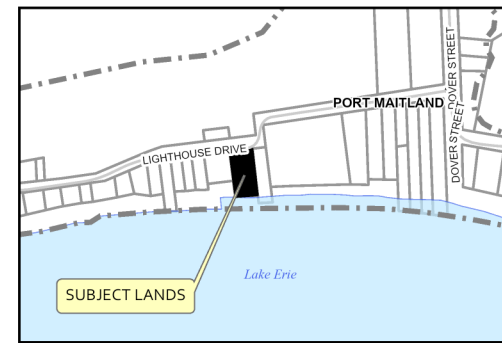
Location:
41 LIGHTHOUSE DRIVE
GEOGRAPHIC TOWNSHIP OF DUNN
Ward 5

Legal Description:
DUNN CON 4 SDR PT LOT 24 AND RP
18R5579 PART 3 AND RP 18R6614 PART 1
Property Assessment Number:
2810 021 003 05600 0000

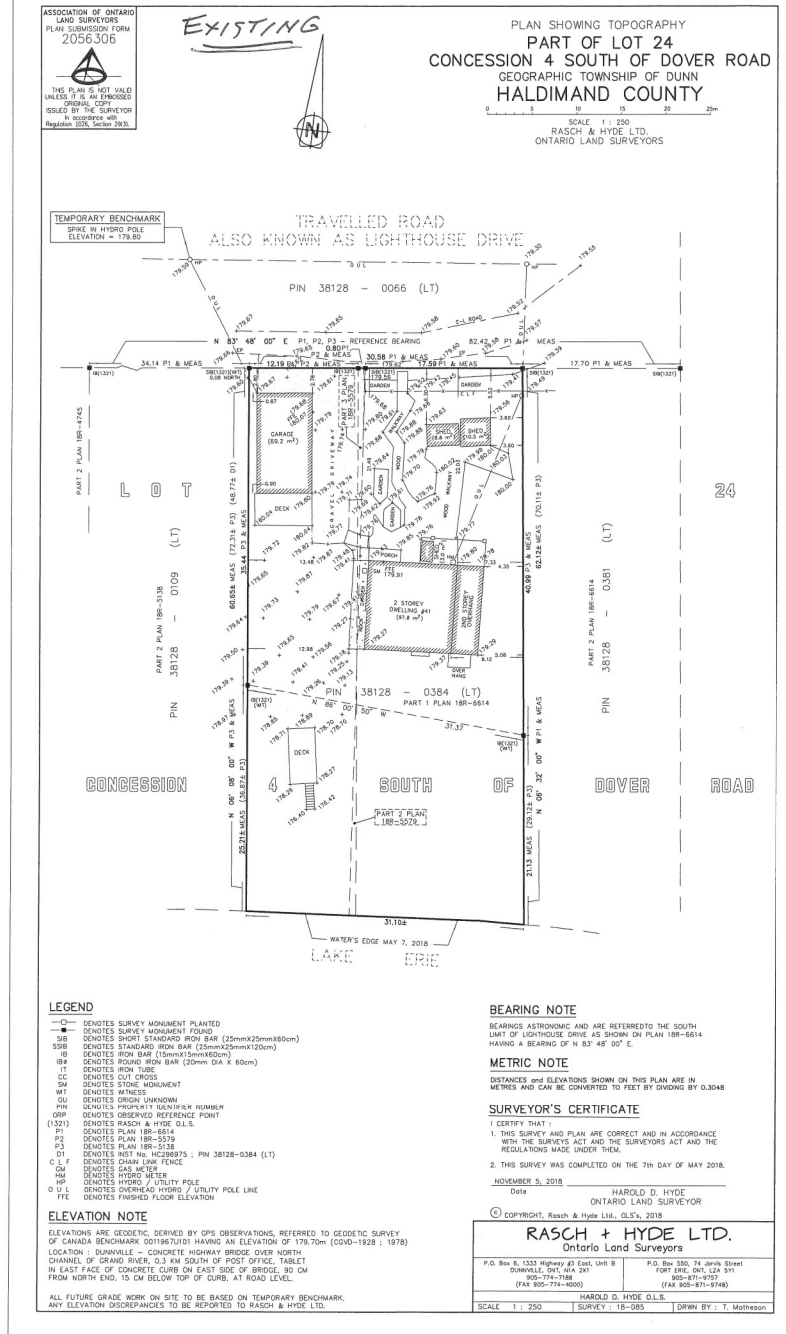
Size:
0.47 Acres

Zoning:
RH (Hamlet Residential)
HL (Hazard Land)

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 # PLA-2020-004 APPLICANT: Hedley



Owner's Sketch 2 of 2 FILE # PLA-2020-004 APPLICANT: Hedley

