



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLA-2020-097

PROPERTY ROLL NO: 2810-152-005-08998

APPLICANT: Sarwan Sukhdeo

PROPERTY LOCATION: Plan 18M-52, Lot 100, Urban Area of Caledonia, known municipally as 36 Fleming Crescent.

PROPOSAL:

A covered deck is proposed. Relief is requested from the provisions of the Residential 1-B (R1-B) Zone of Town of Haldimand Zoning By-law 1-H 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Rear Yard	4.5 metres (14.7 feet)	2.12 metres (6.9 feet)	2.38 metres (7.8 feet)
Width of Covered Deck	3.1 metres (10.1 feet)	4.3 metres (14.1 feet)	1.2 metres (3.9 feet)

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

RECOMMENDATION

That proposal PLA-2020-097, in the name of Sarwan Sukhdeo is consistent with the Provincial Policy Statement, 2020, complies with the Province's Growth Plan 2019, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature, an appropriate development of the lands therefore, Planning staff recommends that this application be approved subject to the attached condition:

1. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner\developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per

Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT, 2020: The proposal conforms to the Provincial Policy Statement.

PLACES TO GROW, 2019: The proposal conforms to the Province’s Growth Plan.

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

TOWN OF HALDIMAND ZONING BY-LAW 1-HA 86: The subject lands are Zoned ‘Urban Residential Type 1-B (R1-B)’ with Special Provision 36.395. Special Provision 36.395 provides very specific zone provisions for the Avalon subdivision in Caledonia, including specific provisions for decks, including covered decks. As such, in order to conform with the intent of the Zoning By-law, a full lot grading plan is required to insure that there are no negative impacts to the subdivision from the proposed deck.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed in the vicinity or declared on the application.

SITE FEATURES: The subject lands contain a single-detached dwelling and is surrounded by similar single-detached dwellings within the Avalon subdivision in Caledonia.

SURROUNDING LAND USES:

NORTH – Residential
EAST – Residential
WEST – Residential
SOUTH – Residential

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No comments.

HYDRO ONE: No comments or concerns.

GRAND RIVER CONSERVATION AUTHORITY (GRCA): No comments or concerns.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: 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 RATIONALE

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

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

Planning Comment: The subject lands are designated 'Residential' within Haldimand County's Official Plan. Outdoor amenity spaces are supported in the official plan. The proposal conforms.

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

Planning Comment: The subject lands are Zoned 'Urban Residential Type 1-B (R1-B)' with Special Provision 36.395. Special Provision 36.395 provides very specific zone provisions for the Avalon subdivision in Caledonia, including specific provisions for decks, including covered decks. As such, in order to conform with the intent of the Zoning By-law, a full lot grading plan is required to ensure that there are no negative impacts to the subdivision from the proposed deck. If the condition cannot be satisfied, the application will not be considered to maintain the general intent and purpose of the applicable Zoning By-law; if the condition can be satisfied, the proposal conforms.

3. Is the proposal considered minor in nature?

Planning Comment: Provided the attached condition can be satisfied, the proposal is considered minor in nature.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: The applicant is proposing to construct a covered structure that is 4.3 m (14 ft) wide by 4.9 m (16 ft) deep. This size of outdoor living space is common in many residential areas, but is not common in the Avalon subdivision. The lot grading and drainage plans for Avalon are very specific; however, if the above-listed condition can be satisfied, then the proposal can be considered appropriate and compatible.

Based on the foregoing, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general intent and purposes of the Town of Haldimand Zoning By-law 1-H 86.

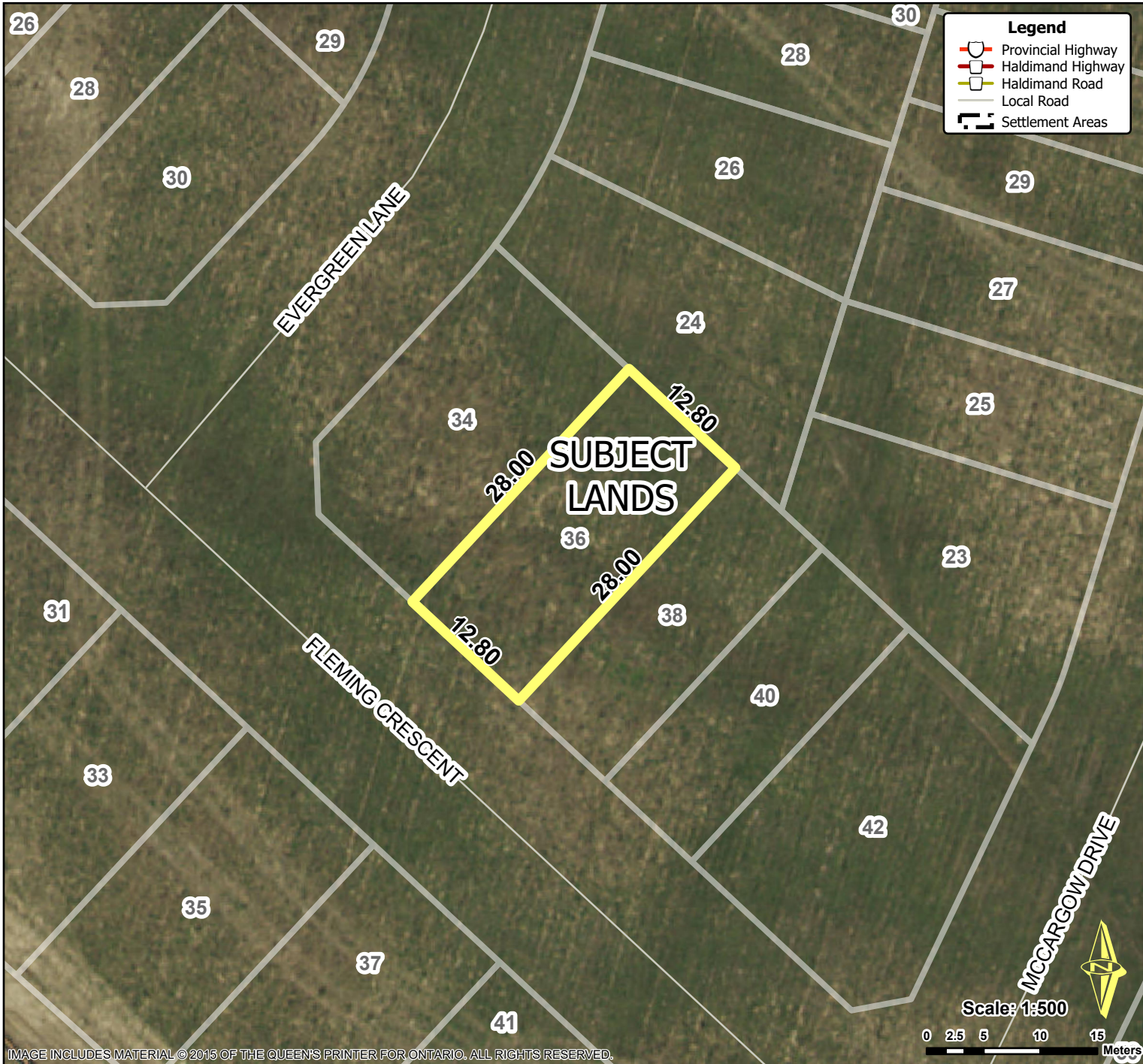
NOTICE SIGN POSTED: A public notice sign was not posted during site inspections on September 1, 2020 in accordance with the *Planning Act*. Subsequent contact with the applicant confirmed that the sign had been posted by September 4, 2020.

Prepared by:



Justin Miller,
Planner

Location Map FILE #PLA-2020-097 APPLICANT: Sukhdeo



Location:
**36 FLEMING CRESCENT
 URBAN AREA OF CALEDONIA
 WARD 3**

Legal Description:
PLAN 18M52 LOT 100

Property Assessment Number:
2810 152 005 08998 0000

Size:
0.09 Acres

Zoning:
R4 (Urban Residential Type 4)

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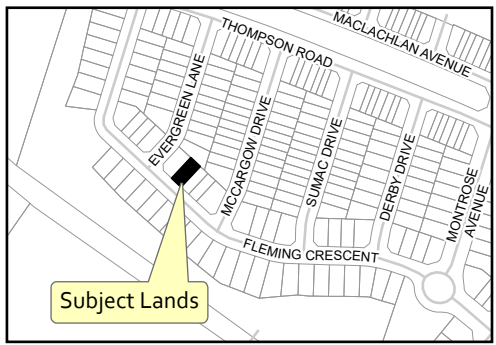


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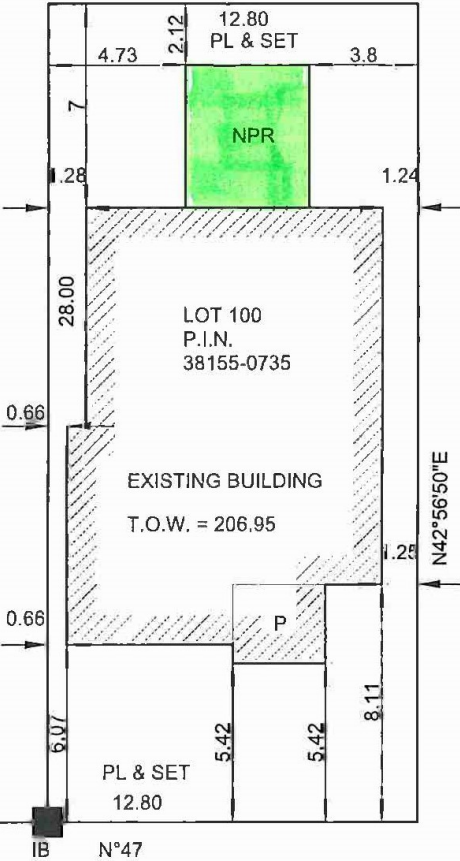
Owner's Sketch FILE #PLA-2020-097 APPLICANT: Sukhdeo



PLAN OF LOT 100
HALDIMAND COUNTY
SCALE 1:150

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

- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 18M-52
- P PORCH
- NPR NEW PROPOSAL
- T.O.W. DENOTES TOP OF WALL ELEVATION



FLEMING CRESCENT
(BY PLAN 18M-52)
P.I.N. 38155-0768

General Notes		
No.	Description/Notes	Date
<p style="font-size: small;">Project Name and Number</p> <p style="font-size: small;">SARWAN S, LOT 100, FLEMING CRESCENT, HALDIMAND, ON N0W 1E3</p>		
<p style="font-size: x-small;">Plan: LOT 100 FLEMING CRESCENT</p>	<p style="font-size: x-small;">Date: 17-06-2020</p>	<p style="font-size: x-small;">Sheet: S01</p>
<p style="font-size: x-small;">Scale: 1:150</p>		



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLA-2020-101

PROPERTY ROLL NO: 2810-025-002-26300

APPLICANT: Kevin Pridmore

PROPERTY LOCATION: Concession 2, Part Lot 18, Registered Plan 18R-1039 Part 1, Geographic Township of Sherbrooke, known municipally as 2405 North Shore Drive.

PROPOSAL:

An accessory structure is proposed. Relief is requested from the provisions of the Agricultural Zone of Town of Haldimand Zoning By-law 1-H 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Section 6.7 Accessory Uses to Residential Uses (e) Useable Floor Area maximum	200 square metres (2,152.8 square feet)	295 square metres (3,175.3 square feet)	95 square metres (1022.6 square feet)

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

RECOMMENDATION

That proposal PLA-2020-101, in the name of Kevin Pridmore is consistent with the Provincial Policy Statement 2020, complies with the Province's Growth Plan 2019, 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 conditions;

1. That the development shall be in accordance with the attached sketch; and

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 buildings specified in the report be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT 2020: The application conforms.

PLACES TO GROW 2019: The application conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Agriculture' in Haldimand County's Official Plan. Accessory buildings are recognized for permitted uses and large storage structures are common in the agricultural area; the proposal conforms to the Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are Zoned 'Agriculture' in the Town of Dunnville Zoning By-law 1-DU 80. The subject lands are approximately 2 hectares (4.94 acres), which exceeds the minimum lot area for an 'Agriculture' Zoned property, and large agricultural structures are common in the 'Agriculture' Zone; the proposal conforms.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed in the area of the subject lands or declared on the application. MDS is not applicable.

SITE FEATURES: The subject lands contain an existing single-family dwelling and small accessory structure. The proposed structure is to be located on the west side of the property adjacent to an existing farm field, and is well buffered from the nearest dwelling (~200 m/656 feet).

SURROUNDING LAND USES:

NORTH – Agriculture
EAST – Residential/Lake Erie
WEST – Agriculture
SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Old barn to be removed from property after new barn is built. Septic evaluation required to locate septic area.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No comments.

HYDRO ONE: No concerns or comments.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA): No objections.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: 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 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 Haldimand County’s Official Plan. The applicants are proposing an accessory structure (storage building) that is larger than is permitted for residential uses (200 m²/2152.8 ft² permitted; 295 m²/3175.3 ft² proposed). Large storage structures are common in the ‘Agriculture’ designation. 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). A majority of Haldimand County’s lands outside of settlement areas are within the ‘A’ Zone. The ‘A’ Zone in Haldimand County is primarily made up of agricultural uses/farms. Large structures are common in the ‘A’ Zone for farm use. The subject lands are within the A Zone, but do not constitute a farm; therefore, the maximum accessory structure size is

200 m² (2152.8 ft²) for residential uses. Despite the maximum accessory structure area, the subject lands are quite large (2hectares/4.94 acres) and can functionally accommodate larger structures than may be acceptable in most residential uses. The proposed 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 applicants are proposing to construct a 12.3 m x 28.9 m (40 ft x 95 ft) storage building. The proposed structure is to be located on the west side of the property adjacent to an existing farm field, and is well buffered from the nearest dwelling (~200 m/656 feet). Large storage structures are common in the agricultural area. For the previously described reasons, the proposal is considered appropriate and compatible development.

Based on the foregoing, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2020), 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.

NOTICE SIGN POSTED: A public notice sign was posted during site inspections on September 1, 2020 in accordance with the *Planning Act*.

Prepared by:



Justin Miller,
Planner

Location Map FILE #PLA-2020-101 APPLICANT: Pridmore



Location:
2405 NORTH SHORE DRIVE
GEOGRAPHIC TOWNSHIP OF SHERBROOKE
WARD 5

Legal Description:
SHB CON 2 PT LOT 18 RP 18R1039 PART 1

Property Assessment Number:
2810 025 002 26300 0000

Size:
4.94 Acres

Zoning:
A (Agricultural)

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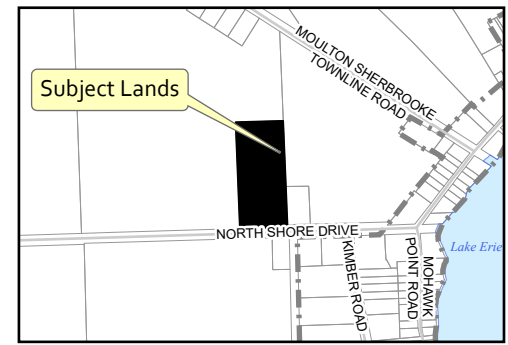
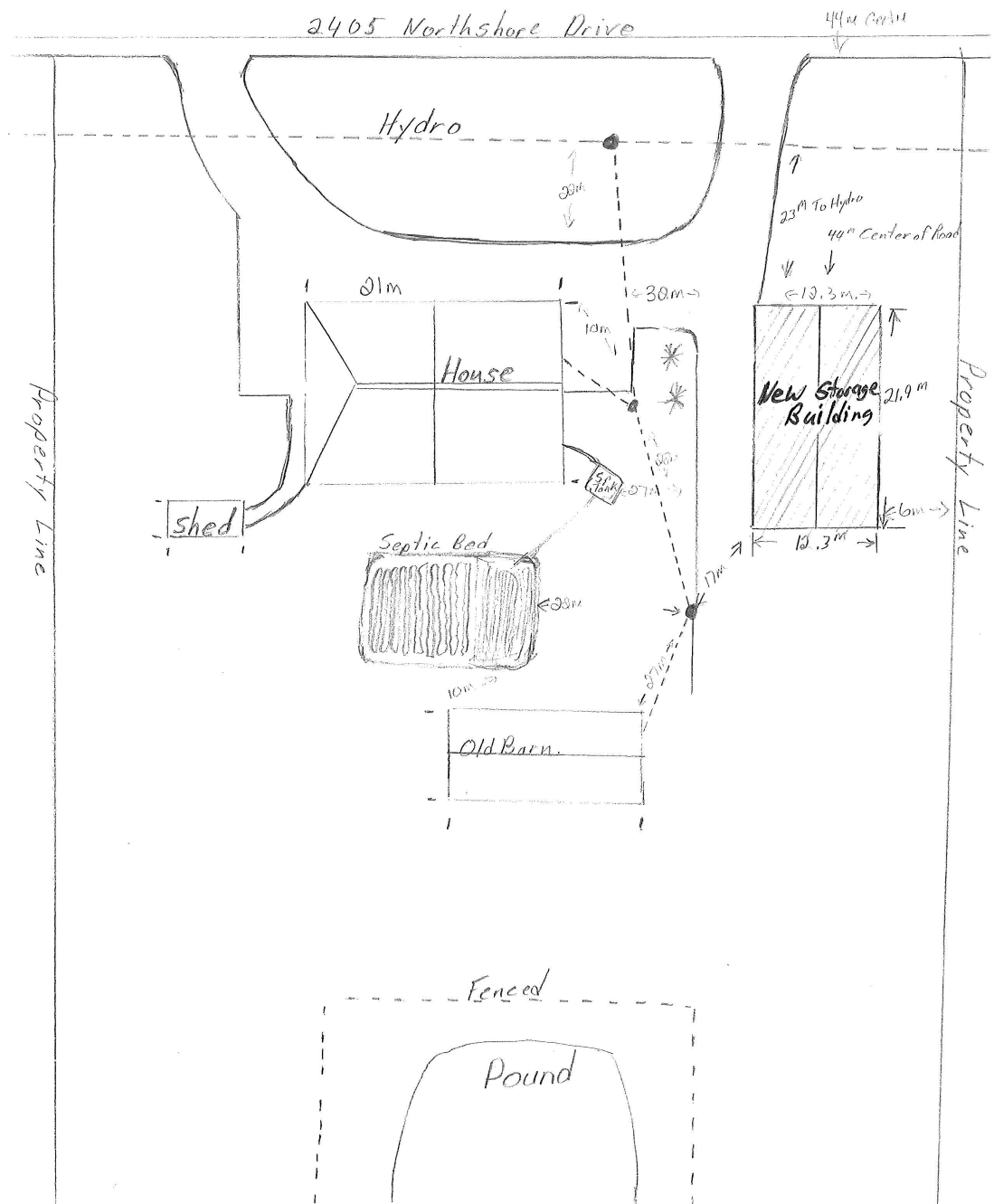


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Owner's Sketch FILE #PLA-2020-101 APPLICANT: Pridmore





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLB-2020-096

PROPERTY ROLL NO: 2810-332-007-06200

APPLICANT: Beischlag Farms Inc. (Matt Beischlag)

PROPERTY LOCATION: Concession 11, Part Lot 9, Geographic Township of Walpole, known municipally as 679 Concession 10 Walpole.

PROPOSAL: The applicants propose to sever a lot containing an existing surplus farm dwelling. The severed lands will measure approximately 110.0 metres by 85.0 metres and will contain an area of 0.935 hectare. The retained lands will be approximately 79 hectares (195.11 acres).

RECOMMENDATION:

That application PLB-2020-096, in the name of Beischlag Farms Inc., is consistent with the Provincial Policy Statement (2020), 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

PROVINCIAL POLICY STATEMENT 2020: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW 2019: The proposal conforms to the Province's Growth Plan.

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

CITY OF NANTICOKE ZONING BY-LAW NE-1 2000: The subject lands are Zoned 'Agriculture' in the City of Nanticoke Zoning By-law NE-1 200 – the proposal conforms.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: The proposed severed lands do contain a couple of animals, but not livestock operations were observed or declared in the application.

SITE FEATURES: The proposed lands to be severed are mostly located within the Hamlet of Garnet, and partially outside of the settlement area. The built area of Garnet is located immediately east of the subject lands. The subject lands contain a single-detached dwelling and out-building meant to house and care for animals.

SURROUNDING LANDS:

- NORTH –** Agricultural uses
- EAST –** An existing church followed by the Hamlet of Garnet
- WEST –** Agricultural uses
- SOUTH –** Agricultural uses

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Septic evaluation required for severed lot containing the existing dwelling unit.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Road allowance widening/dedication. Entrance permit required for retained parcel.

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:

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 another farm property 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 0.93 hectares (2.31 acres), which is larger than is generally supported; however, in staff's opinion, the 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 with 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 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, or on adjacent parcels. Therefore, 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 10 Walpole, 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 (2020), 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 site inspections on September 1, 2020 in accordance with the *Planning Act*.

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 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, is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
4. That a septic evaluation for severed parcel be completed and submitted to the Secretary-Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's 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 measuring approximately 110.0 metres by 85.0 metres and will contain an area of 0.935 hectare. Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD_1983_UTM_Zone_17N

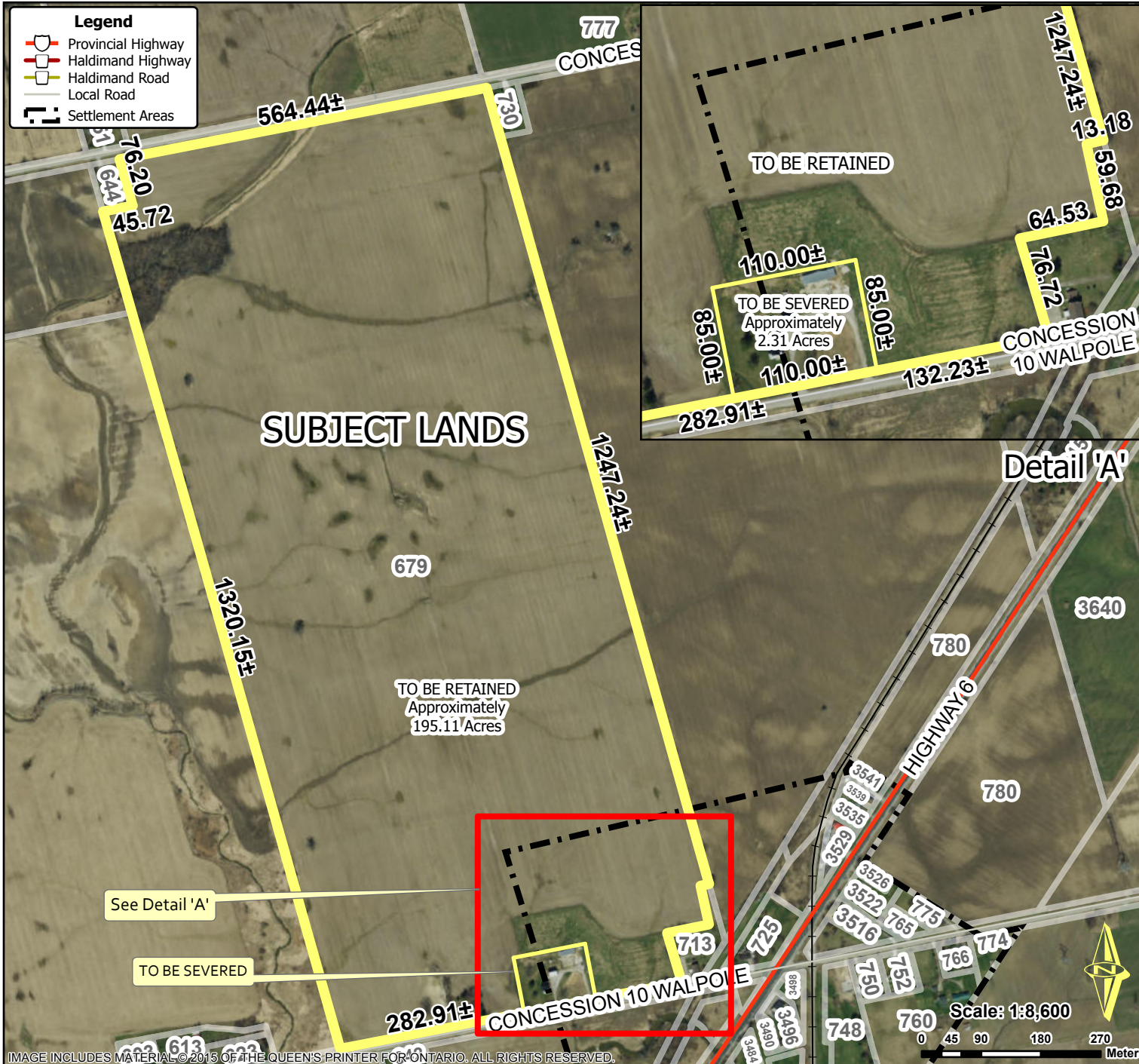
Projection: Transverse_Mercator

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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 22, 2021, after which time this consent will lapse.

File No. PLB-2020-096
BEISCHLAG FARMS INC.
Assessment Roll No. 2810-332-007-06200

Location Map FILE #PLB-2020-096 APPLICANT: Beischlag Farms Inc.



Location:
 679 CONCESSION 10 WALPOLE
 GEOGRAPHIC TOWNSHIP OF WALPOLE
 WARD 1

Legal Description:
 WAL CON 11 PT LOT 9

Property Assessment Number:
 2810 332 007 06200 0000

Size:
 197.42 Acres

Zoning:
 A (Agricultural)

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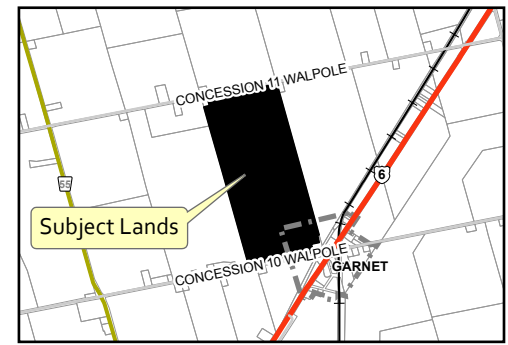
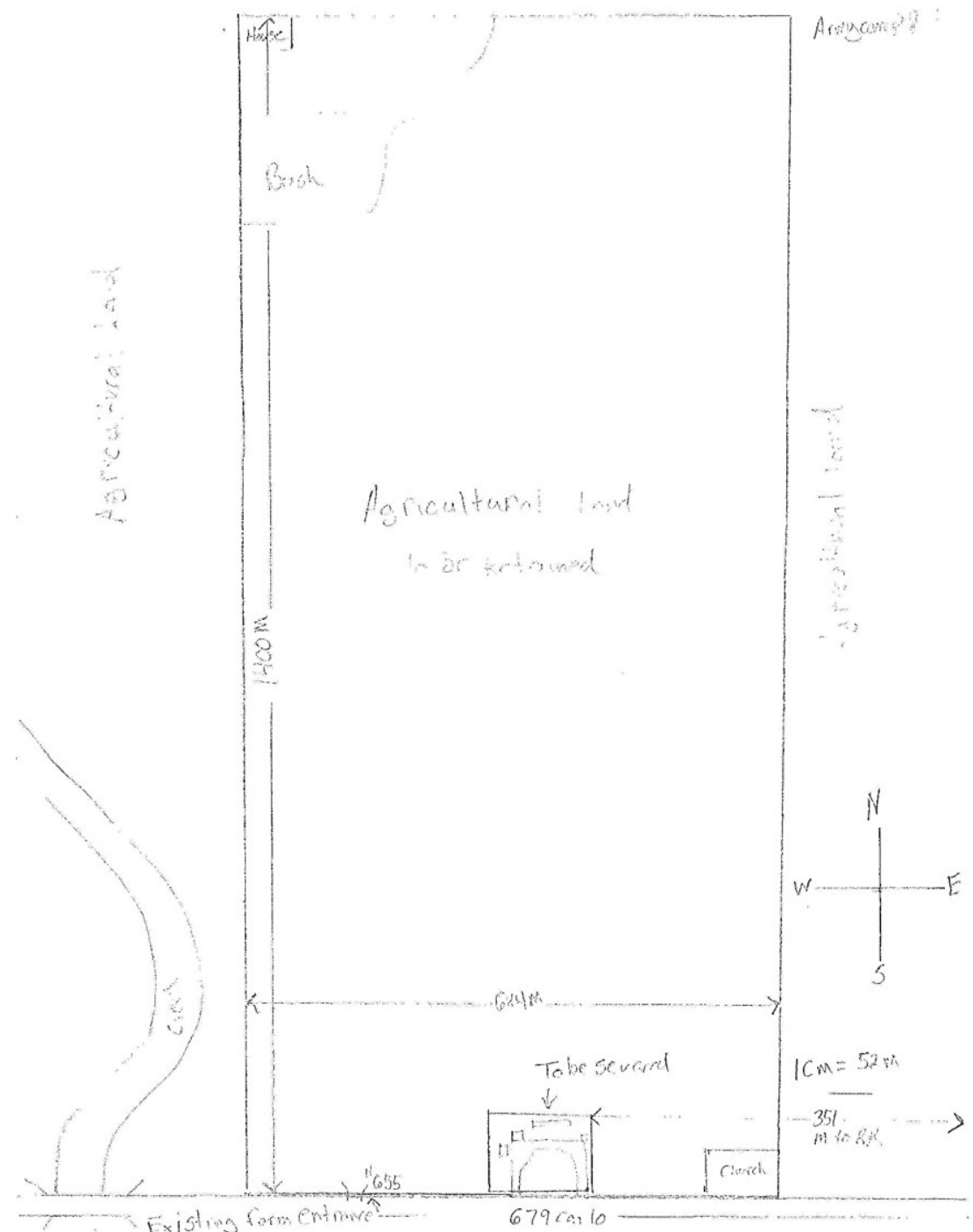


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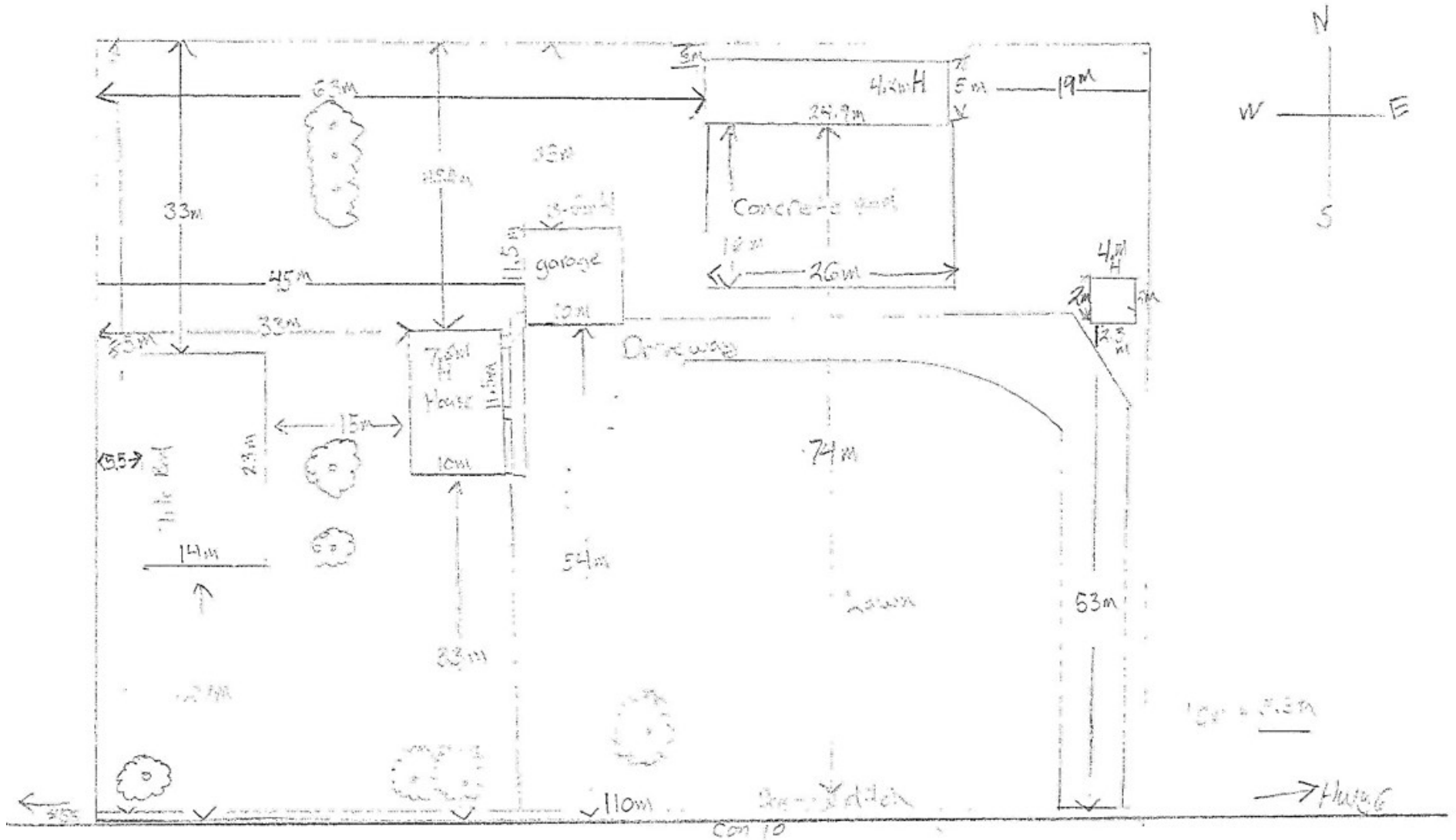
Owner's Sketch 1 of 2 FILE #PLB-2020-096 APPLICANT: Beischlag Farms Inc.



Owner's Sketch 2 of 2 FILE #PLB-2020-096 APPLICANT: Beischlag Farms Inc.



Lands to be retained





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020
FILE NO: PLB-2020-102
PROPERTY ROLL NO: 2810-024-005-05900
APPLICANT: Silverthorne Homes
AGENT: David Roe, Civic Planning Solutions

PROPERTY LOCATION: Plan 3597, Part Lots 29-31, 46-52, Part of Closed Part of Park Lots 8 & 18 and Forest Street, Registered Plan 18R4813 Parts 13 and 14, Registered Plan 18R5163 Part 1, Urban Area of Dunnville, known municipally as 205 Forest Street East

PROPOSAL: The applicants propose to sever a building lot for industrial purposes. The severed lands will measure approximately 50.26 metres by 54.8 metres and will contain an area of 0.275 hectare.

RECOMMENDATION:

That application PLB-2020-102, in the name of Silverthorne Homes, be deferred. At this time, there is not enough information available to comment on the consistency with the Provincial Policy Statement (2020), the Province's Growth Plan (2019), Haldimand County's Official Plan or the Town of Dunnville Zoning By-law 1-DU 80.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: Deferral is recommended to allow staff more time to investigate conformity to the Provincial Policy Statement (2020).

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

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Urban Industrial' in Haldimand County's Official Plan. The applicant is proposing "a new industrial building lot". Deferral is recommended to allow staff more time to investigate conformity with Haldimand County's Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are zoned ‘Light Industrial (ML)’ in the Town of Dunnville Zoning By-law 1-DU 80. Deferral is recommended to allow staff more time to investigate conformity to the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed in the vicinity or declared on the application.

SITE FEATURES: The proposed severed lands contain two small structures that resemble construction trailers. The proposed retained lands contain approximately three large structures that resemble warehouses with some office space.

SURROUNDING LANDS:

- NORTH** – Residential and Industrial uses.
- EAST** – Industrial uses.
- WEST** – Residential uses.
- SOUTH** – Residential uses.

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: That building permits are obtained for the existing structures on the severed lands, or that all structures located on the severed lands be removed.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: See attached conditions.

WATER AND WASTE WATER TECHNOLOGIST: A Functional Servicing Report (FSR) is required to determine if the existing Sanitary Sewer collection system is capable of supporting the needs of the proposed “to be severed” parcel with existing industrial use, including but not limited to, calculated discharge flows, flow velocities within existing infrastructure, capabilities of existing infrastructure for proposed discharge etc.

Attached for reference is a copy of the County’s Sewer Use By-law 1443-14 identifying maximum acceptable concentration limits of contaminants that must be adhered to. The “to be severed” parcel does not have direct access to the Municipal water distribution system and as a condition of severance, a new watermain must be installed from Tamarac Street, easterly within the road right of way to the proposed east property boundary of this parcel. NOTE: the existing water infrastructure within the right of way is a private service that supplies the existing parcel to the North of 205 Forest Street east and is not available for connections.

As per Haldimand County design criteria, the new watermain must be a minimum of 300mm diameter for Industrial needs complete with fire hydrants. All costs associated with supply and install of the proposed 300mm diameter watermain will be the applicants.

It is recommended that a service from the new watermain be installed and supplied to the new property boundary of the “to be severed” parcel at the time of the watermain installation. It is a recommendation that this new watermain be installed to replace the existing private water service and upon completion and acceptance (workmanship and warrantee) the county assumes ownership, in agreeance and support with the current owner of the existing private infrastructure.

New / Proposed building service requirements: The existing services must meet County Design criteria for Industrial use. The water and sanitary sewer service to the one parcel of land must meet the Minimum servicing for an industrial property use:

- 25mm (1”) diameter water service from the main within the road right of way to the building
- 25mm (1”) diameter water meter. Water meter bypasses are not permitted
- 25mm (1”) diameter backflow prevention device on the water service
- 150mm (6”) sanitary sewer service from the main within the road right of way to the building
 - o A property line inspection manhole

NOTE: the Ontario Building Code dictates if a backflow prevention device is required within the building on the domestic water service.

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 applicant is proposing to create “a new industrial lot” with no specified use at this time. The proposed lot is to be ~50.26 m (165 ft) by 54.86 m (180 ft) with an approximate area of 2,752 m² (0.68 acres).

During review of this application, a number of issues came up relating to municipal servicing,

road construction and property ownership; at this time, deferral is requested to allow staff and the applicant to better understand and address these issues.

Haldimand County's Official Plan contains several lot creation criteria; generally, new lot creation by consent shall be guided by the following:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Planning Comment: More details are required to comment on the appropriateness of this application to this criterion.

- b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;

Planning Comment: There are servicing concerns associated with the proposed severance. The severed lands must be connected to municipal water; the existing sanitary service currently flows through private property and its functionality is unknown, as a condition of consent, a functional servicing report is required to determine how to best provide sanitary service to the proposed severed lands. Deferral is recommended to allow staff more time to investigate conformity with the servicing policies of Haldimand County's Official Plan.

- c) The proposed severed and retained land front on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

Planning Comment: The access to the proposed severed lands is intended from Cross Street. However, through staff review of the application, a portion of Cross Street appears to have been closed and conveyed to private ownership; however, at the drafting of the report additional details regarding the ownership and status of the road allowance were not available. Frontage on an open and maintained municipal road is required to be confirmed.

Additionally, there are concerns with the standard of construction of this portion of Cross Street : As conditions of consent, the applicant must apply for a Holding Provision Zoning Amendment to identify the need for potential road upgrades and the provision of municipal services (storm; sanitary and water services).

The applicant must also receive an entrance permit or letter indicating that Roads Operations has no objections to an entrance permit.

d) Not more than five lots are being created.

Planning Comment: Only one lot is proposed.

Due to the complexity of servicing the proposed severed parcel, and the potential significance of required road upgrades, a Holding provision is required to be placed on the subject lands until such time as appropriate road upgrades, water service upgrades/extensions, sanitary service upgrades/extensions and stormwater provisions are completed to allow development to proceed. The process to have a Holding provision placed on the property follows the Zoning By-law Amendment process, and can take up to four months to complete from the time of a complete application. The Holding provision will freeze the severed lands from being developed until the identified required servicing and roads upgrades have been appropriately addressed.

Planning staff recommends that this application be deferred until the above-noted concerns can be addressed to the satisfaction of Haldimand County.

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 on September 1, 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 a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6409 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. Receipt of final approval of the required Holding Provision for the severed parcel (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.
4. That a Functional Servicing Report be submitted to the satisfaction of the County prior to the signing of the certificate. Contact the Development and Design Technologist at 905-318-5932, ext. 6409 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. 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 Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
6. That building permits are obtained for the existing structures on the severed lands, or that all structures located on the severed lands be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
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 severed parcel, measuring approximately 50.26 metres by 54.8 metres and will contain an area of 0.275 hectare. Also, **prior to the signing**

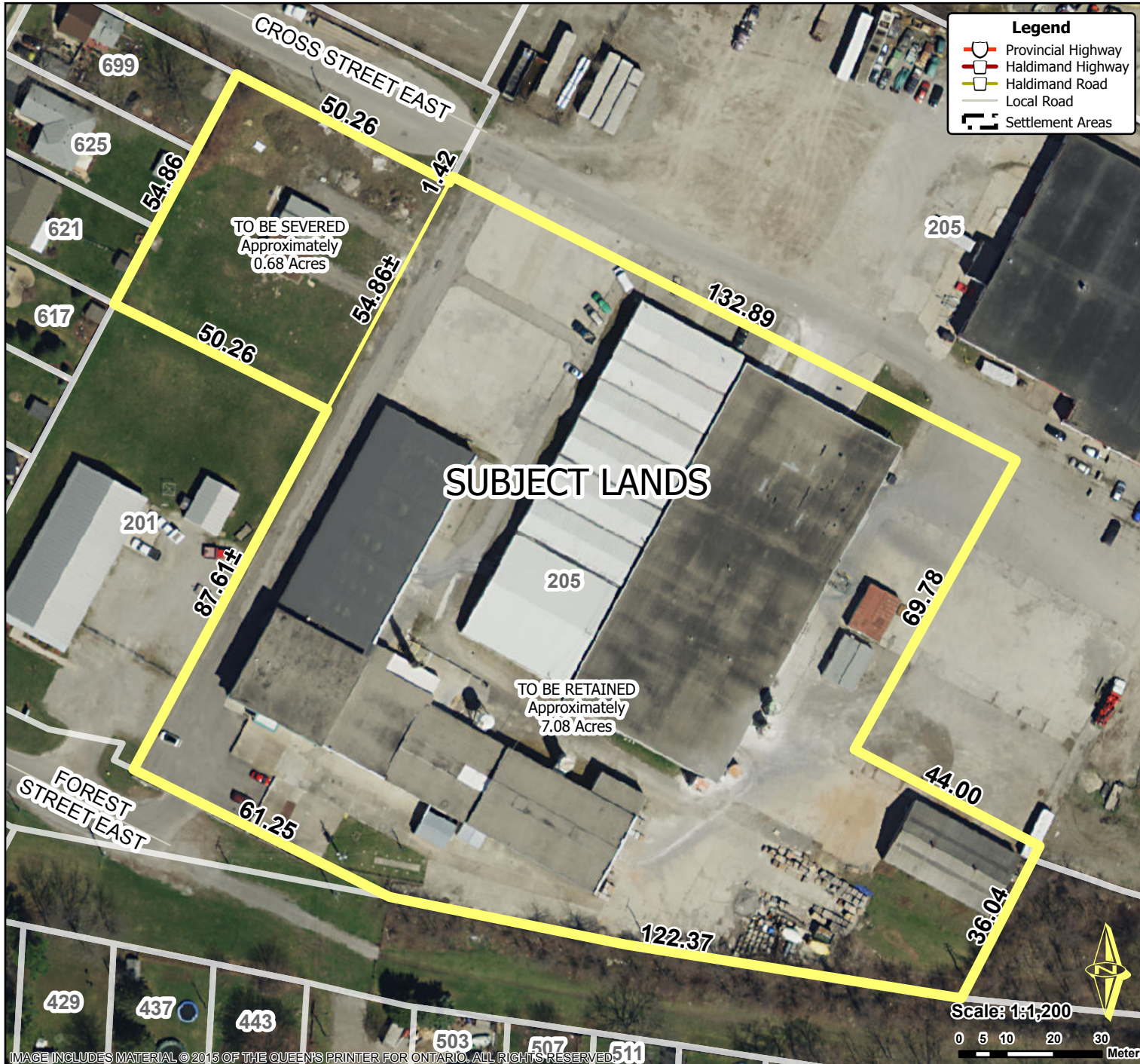
of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 22, 2021, after which time this consent will lapse.

File No. PLB-2020-102
SILVERTHORNE HOMES
Assessment Roll No. 2810-024-005-05900

Location Map FILE #PLB-2020-102 APPLICANT: Silverthorne Homes



Location:
205 FOREST STREET EAST
URBAN AREA OF DUNNVILLE
WARD 6

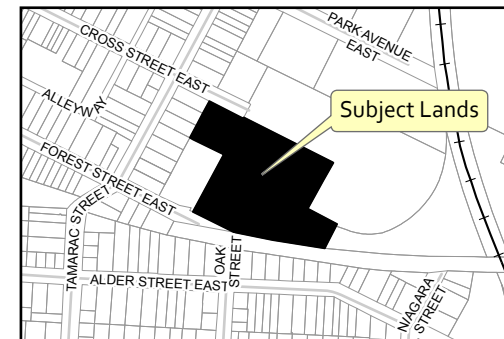
Legal Description:
PL3597 PT LTS 29-31,46,47,51 52 PT LTS
48-50 PT ST CLSD PT PARK LTS 8&18 N
FOREST ST RP18R4813 PT13,14 -5163 PT 1

Property Assessment Number:
2810 024 005 05900 0000

Size:
7.76 Acres

Zoning:
ML (Light Industrial)

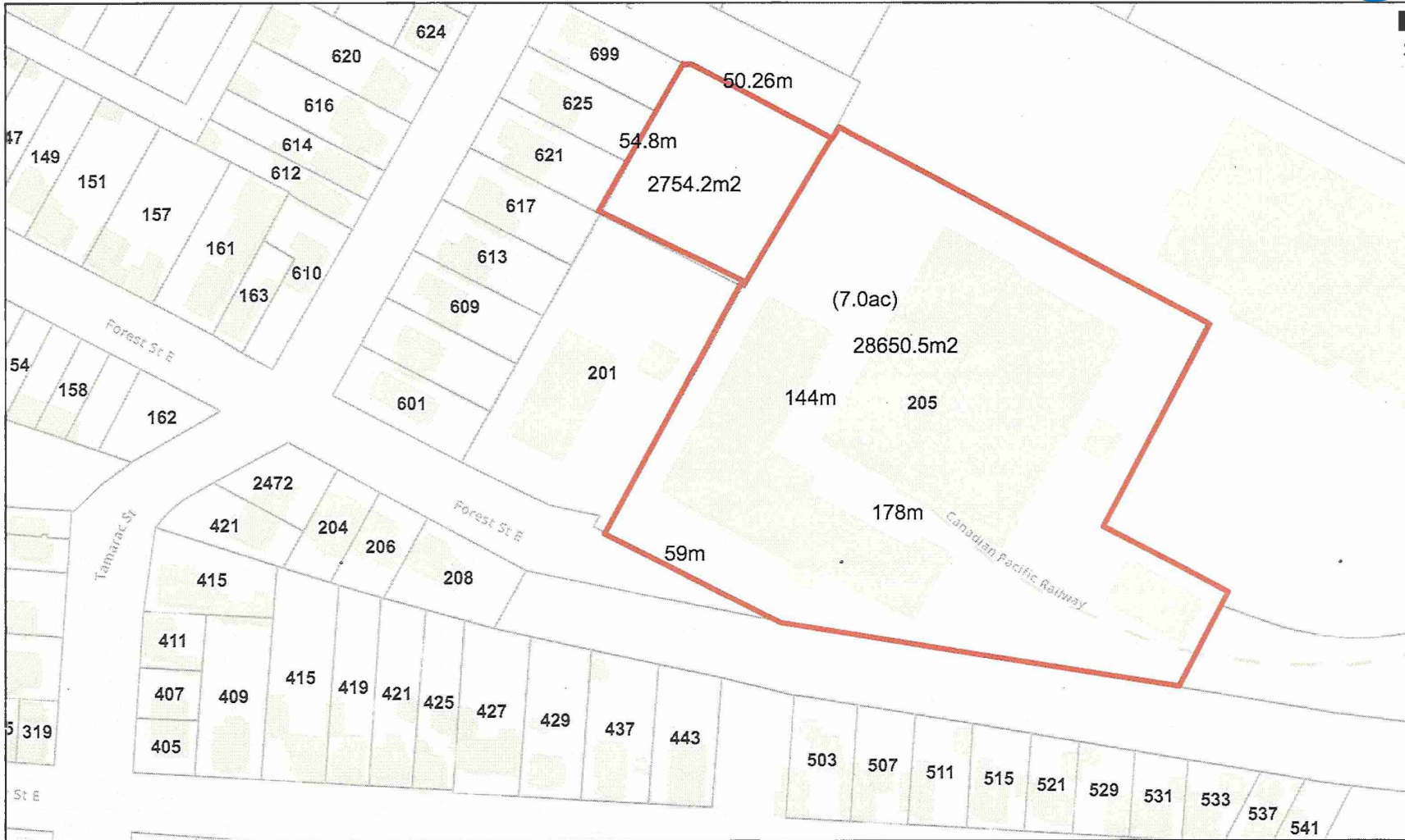
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Owner's Sketch 1 of 2 FILE #PLB-2020-102 APPLICANT: Silverthorne Homes

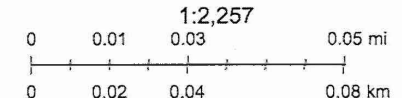


ArcGIS Web Map



11/4/2019, 9:11:26 AM

- Override 1
- Parcels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robin: NLS, OS, NMA, Geodatastreisen, Rijkswaterstaat, GSA, Geo Intermap and the GIS user community, none, Sources: Esri, HE FAO, NOAA, USGS, © OpenStreetMap contributors, and th

Web AppBuild

Haldimand County, Province of Ontario, Parks Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, NPS, US Census Bureau, USDA, NI

Owner's Sketch 2 of 2 FILE #PLB-2020-102 APPLICANT: Silverthorne Homes

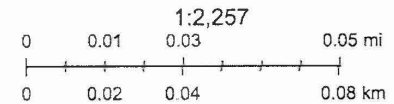


ArcGIS Web Map



11/4/2019, 9:14:59 AM

- Override 1
- Parcels



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, OpenStreetMap contributors, and the GIS user community, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, U AeroGRID, IGN, and the GIS User Community, none

Web AppBuild

none | HaldimandCty, New York State, DigitalGlobe | Esri, HERE, Garmin, iPC, NRCAN | Esri, HERE,



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLB-2020-103

PROPERTY ROLL NO: 2810-022-002-15700

APPLICANT: William and Janice Hoover

AGENT: David Roe, Civic Planning Solutions Inc.

PROPERTY LOCATION: Dochstader Tract, Part Lot 5, Geographic Township of Canborough, known municipally as 416 Haldimand Road 17.

PROPOSAL: The applicants propose to sever a lot containing an existing surplus farm dwelling. The severed lands will be an irregular shape and will contain an area of 0.773 hectare (1.91 acres). The retained lands will be approximately 43.75 hectares (108.11 acres)

RECOMMENDATION:

That application PLB-2020-103, in the names of William and Janice Hoover, is not consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), does not conform to the Haldimand County Official Plan and meets the criteria and intent of the Town of Dunnville Zoning By-law 1-DU 80. Planning staff recommends *deferral* of the proposal to allow the applicants time to reconfigure their proposal.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT 2020: The Provincial Policy Statement (PPS) requires surplus farm dwelling severances to be "limited to a minimum size needed to accommodate the use and appropriate sewage and water services"; in Planning staff's opinion, the proposal does not create a parcel of land that has minimized the amount of land required to go with the surplus dwelling. There are no geographic features or existing structures that require an oversized severance. The proposal does not conform to the PPS (2020).

PLACES TO GROW 2019: 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 (OP). The OP supports surplus farm dwelling severances, but requires them to meet a number of criteria. The proposed severance “shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm buildings and structures.” In Planning staff’s opinion, there are no farm field fragmentation issues, environmental or topographic issues, or farm building issues that prevent the applicants from creating a proposal that meets the policy and the recognized size; the proposal does not conform to Haldimand County’s Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are zoned ‘Agriculture’. The proposal conforms. The proposed retained and severed lots will comply with the zone provisions.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed in the vicinity.

SITE FEATURES: The subject lands are located on the north side of Haldimand Road 17 adjacent to the Grand River. The subject lands contain a single-detached dwelling, large accessory structure (to go with the severed dwelling) and agricultural lands.

SURROUNDING LANDS:

- NORTH –** Agricultural uses
- EAST –** Agricultural uses
- WEST –** Agricultural uses
- SOUTH –** Grand River

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Entrance permit required for retained parcel.

HYDRO ONE: No comments or concerns

GRAND RIVER CONSERVATION AUTHORITY (GRCA): 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:

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 0.77 hectares (1.89 acres), which is larger than is generally supported. The oversized lot is requested by the applicants to retain a large back yard that is interspersed with large mature trees; although the large yard is not being farmed, the proposal unnecessarily removes lands from the retained farm. If approved, due to the oversized severance, as a condition of consent, the applicants will be required to complete a zoning by-law amendment 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 17, 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 (2020), complies with the Province's Growth Plan (2019), does not conform to the Haldimand County Official Plan and meets the intent and purpose of the Town of Dunnville Zoning By-law 1-DU 80. In Planning staff's opinion, the proposal has not minimized the amount of land to be severed with the surplus dwelling; Planning staff recommend deferral of this application to allow the applicant to reduce the size of the proposed severance.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A public notice sign was posted during site inspections on September 1, 2020 in accordance with the *Planning Act*.

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. 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 Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
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 0.773 hectare. Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@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 September 22, 2021, after which time this consent will lapse.

File No. PLB-2020-103

HOOVER, William and Janice

Assessment Roll No. 2810-022-002-15700

Location Map FILE #PLB-2020-103 APPLICANT: Hoover



Location:

**416 HALDIMAND ROAD 17
GEOGRAPHIC TOWNSHIP OF CANBOROUGH
WARD 6**

Legal Description:

CAN TRACT DOCHSTADER PT LOT 5

Property Assessment Number:

2810 022 002 15700 0000

Size:

110 Acres

Zoning:

A (Agricultural)

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Detail 'A'



Legend

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

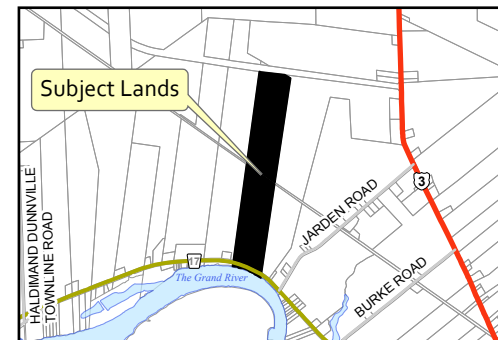


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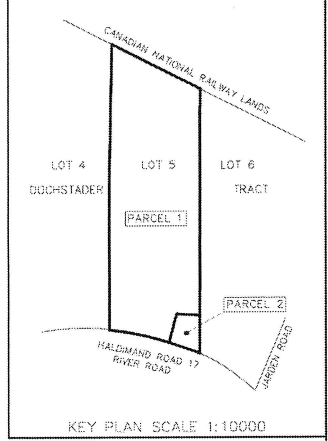
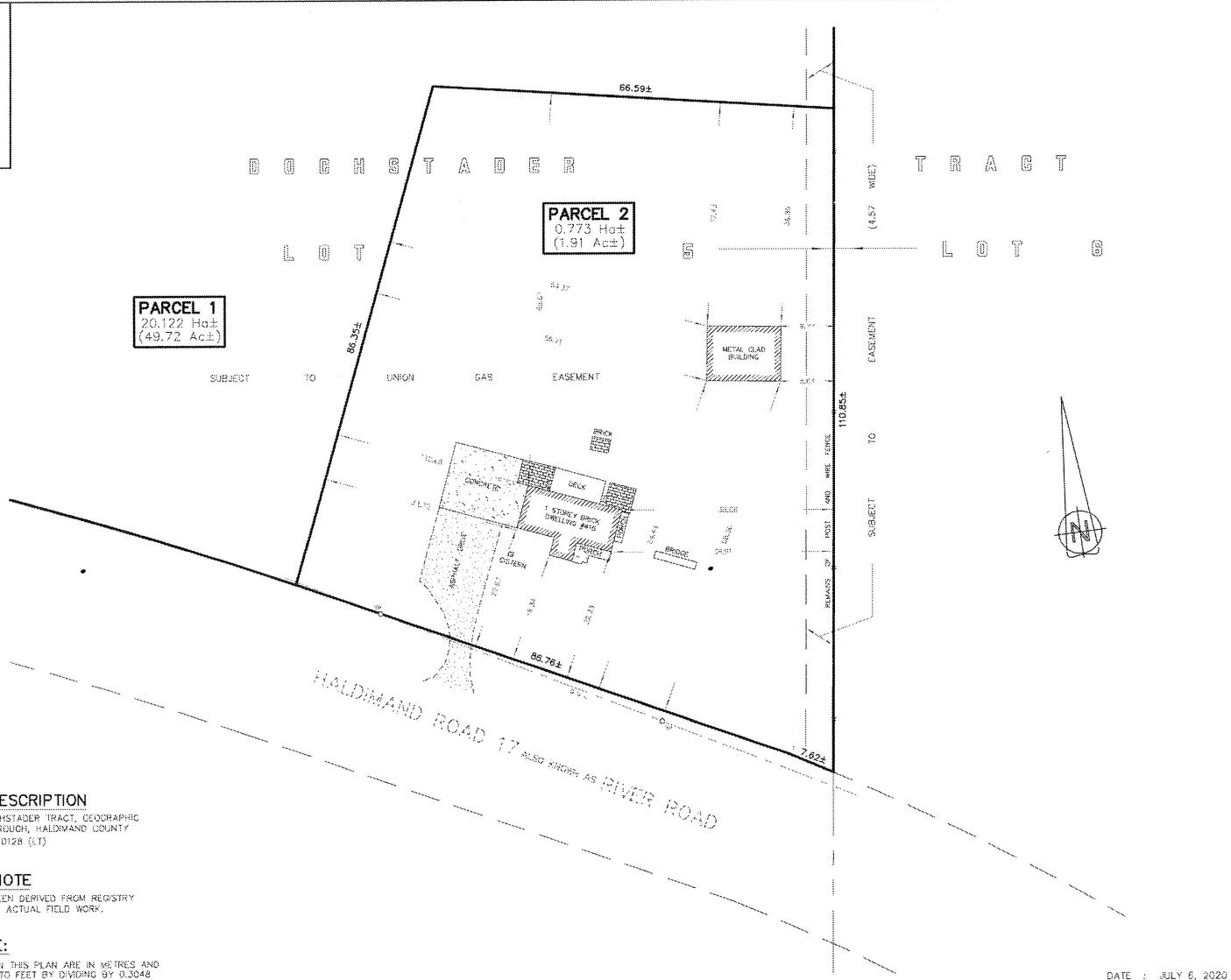
Owner's Sketch FILE #PLB-2020-040 APPLICANT: Bergin



SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY OF THIS SKETCH BY THE SURVEYOR'S SEAL OR PDF CERTIFIED



SKETCH FOR PROPOSED SEVERANCE
416 HALDIMAND ROAD 17

SCALE 1 : 500

RASCH & HYDE LTD
 ONTARIO LAND SURVEYORS

LEGEND

HP DENOTES HYDRO / UTILITY POLE
 O U L DENOTES OVERHEAD UTILITY / HYDRO POLE LINE
 ** ALL DISTANCES AND BUILDING TIES ARE APPROXIMATE

CAUTION

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PROPERTY DESCRIPTION
 PART OF LOT 5, DOCHSTADER TRACT, GEOGRAPHIC TOWNSHIP OF CANTONLICH, HALDIMAND COUNTY
 PART OF PIN 38135-0128 (L1)

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

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

RASCH & HYDE LTD. Ontario Land Surveyors	
P.O. Box 6, 1333 Highway #3 East, Unit 8 DUNVILLE, ONT. L4A 2Y1 905-774-7188 (FAX 905-774-4000)	P.O. Box 550, 74 Aurora Street PORT ERPE, ONT. L2A 5Y1 905-871-9757 (FAX 905-871-9748)
HARGOLD D. HYDE O.L.S.	
SCALE 1 : 500	SURVEY : 20-111
DRWN BY : E. Matheson	

DATE : JULY 6, 2020



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLB-2020-105

PROPERTY ROLL NO: 2810-025-002-18800

APPLICANT: Virginia Sider

AGENT: John Finkbiner

PROPERTY LOCATION: Plan 938, Lots 25 to 27, Geographic Township of Sherbrooke, known municipally as 190 Mohawk Point Road.

PROPOSAL: The applicants propose to sever a lot containing an existing seasonal dwelling. The severed lands will measure approximately 13.7 metres by 93.8 metres (44.9 feet X 307.7 feet) and will contain an area of 0.13 hectare (0.32 acre). The retained parcel will contain an area of approximately 0.32 hectares (0.79 acre).

RECOMMENDATION:

That application PLB-2020-105, in the name of Virginia Sider, is not consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019) does not conform to the Haldimand County Official Plan and does not meet the criteria and intent of the Town of Dunnville Zoning By-law 1-DU 80. Planning staff recommends *refusal* of this application.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The Provincial Policy Statement (PPS) supports intensification where appropriate development standards can be met while mitigating risk to public safety. Mohawk Point Road is not of a standard of construction to allow emergency vehicles to adequately and safely access and serve development on Mohawk Point Road; as such, intensification (the creation of a new lot) is not supported by the PPS.

PLACES TO GROW: The proposal is consistent with the Province's Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated ‘Resort Residential Node’ and ‘Lakeshore Hazard Lands’ within Haldimand County’s Official Plan. The proposed severance does not conform to the Official Plan’s ‘Lot Creation’ criteria. The proposal is not consistent with Haldimand County’s Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are Zoned ‘Seasonal Residential’ in the Town of Dunnville Zoning By-law 1-DU 80. If approved, the subject lands would be deficient in lot frontage (30 m required; 13.7 m provided) and lot area (1855 m² provided/ ~1200 m² provided); if the application is approved, a Planning Act application will be required to address the known deficiencies.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed in the vicinity or declared on the application.

SITE FEATURES: The subject lands currently contain what appears to be three cottages; one large main cottage and two smaller ‘bunkie-type cottages’. The applicants are proposing to sever a smaller cottage on the north side of the property. Lake Erie is directly east of these cottages, and a significant slope is behind the cottages to the west. The entirety of the subject lands are regulated by GRCA.

SURROUNDING LANDS:

- NORTH** – Seasonal residential uses
- EAST** – Lake Erie
- WEST** – Significant slope and agricultural uses
- SOUTH** – Seasonal residential uses

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Minor Variance application required to address insufficient lot frontage for severed parcel. Class 4 septic system required for severed parcel. Letter or permit from NPCA required. Ensure that remaining buildings on severed and retained lands meet minimum setback requirements. Septic evaluation required for retained lands to ensure that the septic system is wholly contained on retained parcel.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Full lot grading plan required.

HALDIMAND COUNTY EMERGENCY SERVICES: Emergency Services cannot support this development due to G3.05 of the design Criteria for Dead End Cul de Sacs and Bulbs. Mohawk

Point Road dead ends and there is no turn around for fire trucks also the road is very narrow and requires 7.3 m width for two way traffic.

HYDRO ONE: No concerns or comments.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA): No objections. Permits from the NPCA are required. All proposals and plans shall be circulated to the NPCA for review and approval prior to the commencement of any works on site.

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 proposed severed lands are located entirely within the Lakeshore Node of 'Mohawk Point'; lot creation is permitted within Haldimand County's settlement areas, including its 'Resort Residential Nodes'. Lot creation via the consent process, is supported in Haldimand County, subject to a number of criteria:

a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Planning Comment: The proposed severed lands do not meet the minimum lot frontage or lot area for the 'Seasonal Residential' Zone. In the past, Haldimand County has supported smaller than standard lot sizes via a minor variance or zoning by-law amendment, provided appropriate setbacks can be maintained, and that the lot can adequately contain appropriately located private services (water and septic). Should Committee choose to approve this application, a condition of severance should require a minor variance, grading plan and satisfactory septic design.

b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;

Planning Comment: Haldimand County's Resort Residential Nodes are not required to connect to municipal services – the lot would be served by a well cistern and a septic system. The proposal meets the Official Plan's servicing policies.

c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

Planning Comment: Emergency Medical Services has provided comments that they do not support this application because they do not find Mohawk Point Road to be of a reasonable standard of construction. A paved road width of 7.3 metres is required to provide adequate space for a fire route; the approximate road width of Mohawk Point Road varies, but is approximately 4.5 m in many locations. Narrow road widths make it difficult for tanker trucks to bring water in and out of the area, leaving little or no room for tankers to pass each other or service pumper trucks that may be working on Mohawk Point Road.

The proposed severance does not meet this criterion of the Official Plan's 'Lot Creation' criteria.

d) Not more than five lots are being created.

Planning Comment: Only one new lot is being proposed.

Overall, it is planning staff's opinion that the proposal is not consistent with the Provincial Policy Statement (2020), complies with the Province's Growth Plan (2019), does not conform to the Haldimand County Official Plan and does not meet the intent and purpose of the Town of Dunnville Zoning By-law 1-DU 80. Therefore, planning staff recommends that this application be refused.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A public notice sign was posted during site inspections on September 1, 2020 in accordance with the *Planning Act*.

Prepared by:

A handwritten signature in black ink, appearing to be 'J. Miller', written in a cursive style.

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 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 Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. That all buildings located on the severed and retained lands meet minimum setback requirements to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, for an inspection of the property.
5. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner\developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
6. Subject to the approval from the Niagara Peninsula Conservation Authority.
7. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
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, measuring approximately 13.7 metres by 93.8 metres and will contain an area of 0.13 hectare. Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown

below, indicating the consent file number and name of the applicant, must be emailed to dscott@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 September 22, 2021, after which time this consent will lapse.

File No. PLB-2020-105

SIDER, Virginia

Assessment Roll No. 2810-025-002-18800

Location Map FILE #PLB-2020-105 APPLICANT: Sider



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



Location:
190 MOHAWK POINT ROAD
 GEOGRAPHIC TOWNSHIP OF SHERBROOKE
 WARD 5

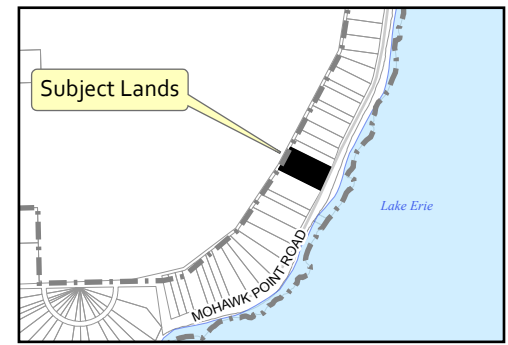
Legal Description:
SHB PLAN 938 LOT 25 TO 27

Property Assessment Number:
2810 025 002 18800 0000

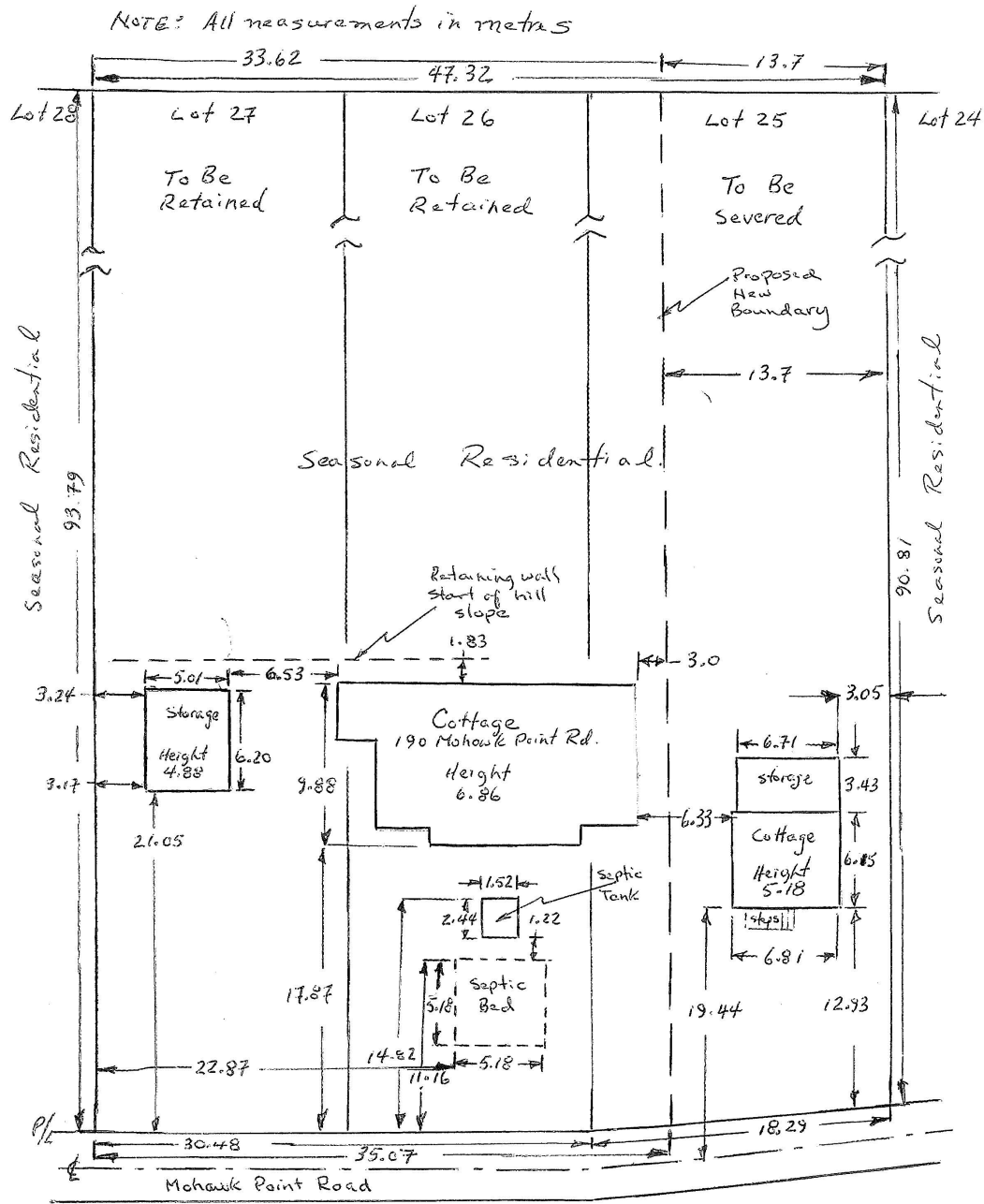
Size:
1.10 Acres

Zoning:
RS (Seasonal Residential)

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Owner's Sketch FILE #PLB-2020-105 APPLICANT: Sider





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLB-2020-106

PROPERTY ROLL NO: 2810-025-003-16800

APPLICANT: Leonard and Margaret Pew

PROPERTY LOCATION: Concession 1 from Lake Erie, Part Lot 3, Geographic Township of Moulton, known municipally as 2835 and 2841 North Shore Drive.

PROPOSAL: The applicants propose to sever a building lot for residential purposes. The severed lands will have a frontage of approximately 34.91 metres (114.5 feet), with an area of 16.6 hectares (41 acres). The retained parcel will contain an existing dwelling, be irregularly shaped, and contain an area of approximately 0.44 hectares (1.08 acres).

RECOMMENDATION:

That application PLB-2020-106, in the names of Leonard and Margaret Pew, is consistent with the Provincial Policy Statement (2020), 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 Dunnville Zoning By-law 1-DU 80. Therefore, planning staff recommends approval of the proposal subject to the attached conditions

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT 2020: The proposal is consistent with the Provincial Policy Statement.

PLACES TO GROW 2019: The proposal conforms to the Province's Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Resort Residential Node' and 'Agriculture'. The proposed retained lands are located wholly within the 'Resort Residential Node' designation. The proposal conforms to Haldimand County's Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are Zoned 'Hamlet Residential' and 'Agriculture'. The proposed retained lands are completely located within the 'Hamlet' Zone. The proposal conforms to the Town of Dunnville Zoning By-law 1-DU 80.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operations were observed in the vicinity or declared on the application.

SITE FEATURES: The subject lands are located adjacent to Lake Erie. A portion of the subject lands, including all of the lands to be retained, are located within the Resort Residential Node of Lowbanks East. The subject lands contain an existing dwelling and detached garage on the proposed retained lands; the subject lands contain an existing barn and agricultural lands to be severed.

SURROUNDING LANDS:

- NORTH –** Agricultural uses
- EAST –** Seasonal residential uses
- WEST –** Seasonal residential and hamlet residential uses
- SOUTH –** Lake Erie

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Septic evaluation required for retained lot containing existing single family dwelling.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Partial lot grading plan required. Entrance permit required for the severed parcel.

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: A letter was received on September 16, 2020 from Elwood Minor at 2849 North Shore Drive (the immediate neighbour to the east) supporting the application, but questioned the ownership of part of the subject property by the applicant. It has been determined by this office that this concern is a civil matter between property owners, and has no bearing on the application being presented to the committee.

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 proposed retained lands are located entirely within the Resort Residential Node of ‘Lowbanks East’; lot creation is permitted within Haldimand County’s settlement areas, including it’s ‘Resort Residential Nodes’. Lot creation via the consent process, is supported in Haldimand County, subject to a number of criteria:

a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Planning Comment: The proposed retained lands meet the minimum zone provisions of the Seasonal Residential Zone – the size is considered appropriate.

b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;

Planning Comment: Haldimand County’s Resort Residential Nodes are not required to connect to municipal services – the proposal meets the Official Plan’s servicing policies.

c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

Planning Comment: The proposed severed and retained lands front onto North Shore Drive which is an existing public road of a reasonable standard; EMS has not identified any access issues associated with this proposal.

d) Not more than five lots are being created.

Planning Comment: Only one new lot is being proposed.

Overall, it is planning staff’s opinion that the proposal is consistent with the Provincial Policy Statement (2020), 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 site inspections on September 1, 2020 in accordance with the *Planning Act*.

Prepared by:

A handwritten signature in black ink, appearing to read 'J. Miller', written over a horizontal line.

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 a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6409 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. That a septic evaluation for severed parcel be completed and **submitted to the Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. That an application for a new civic address be submitted for the retained (or severed) 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, with a frontage of approximately 34.91 metres and will contain an area of approximately 16.6 hectare. Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be

emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 22, 2021, after which time this consent will lapse.

File No. PLB-2020-106

PEW, Leonard and Margaret

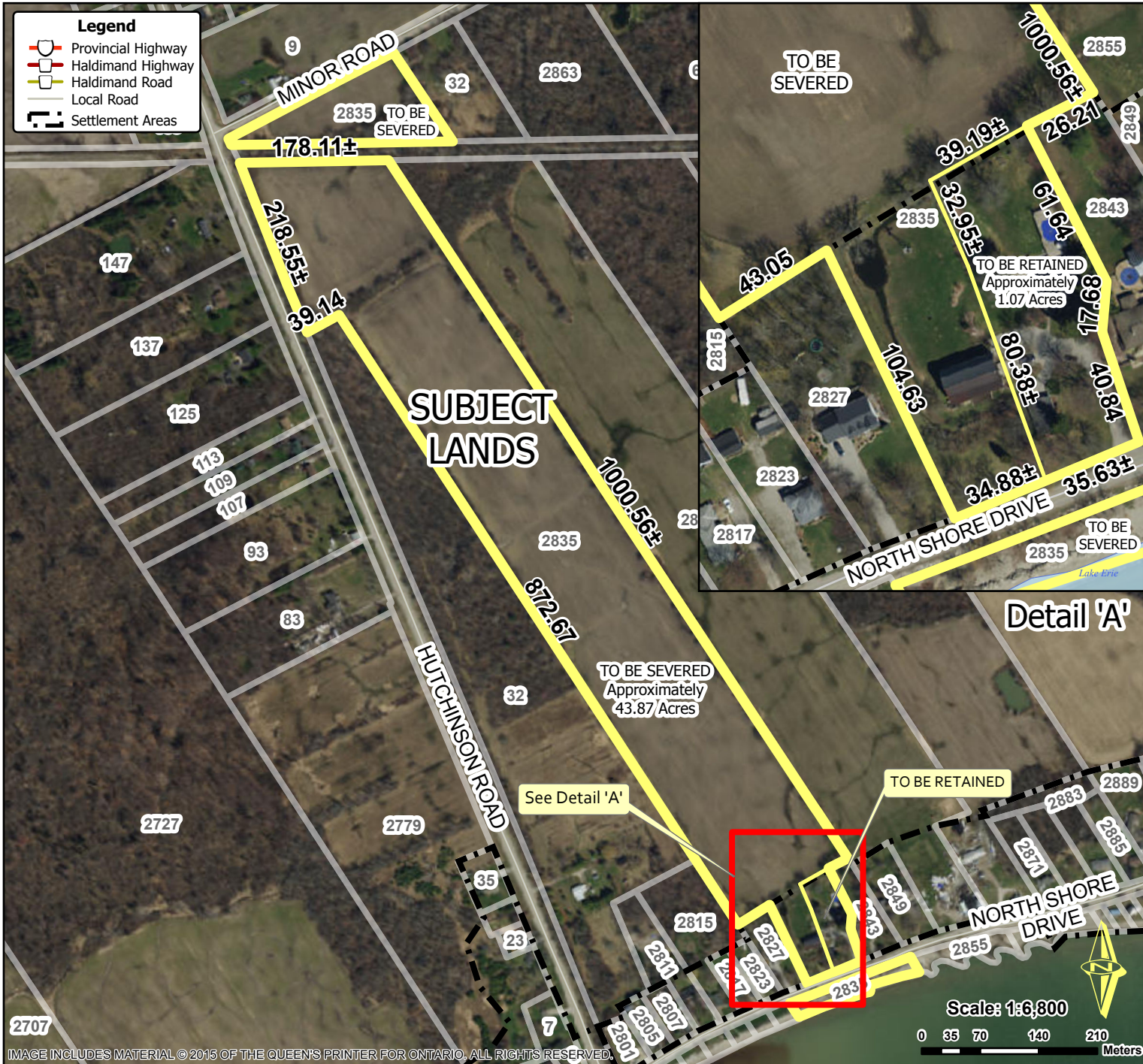
Assessment Roll No. 2810-025-003-16800

Location Map FILE #PLB-2020-106 APPLICANT: Pew



Legend

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



Location:
**2835-2841 NORTH SHORE DRIVE
 GEOGRAPHIC TOWNSHIP OF MOULTON
 WARD 5**

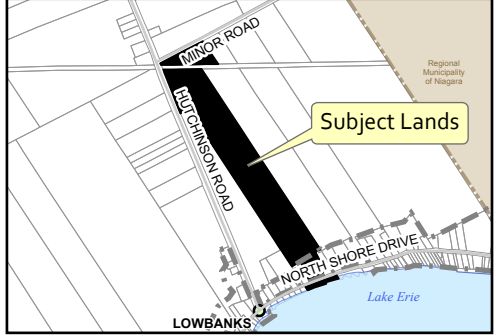
Legal Description:
MLT CON 1 LE PT LOT 3

Property Assessment Number:
2810 023 003 16800 0000

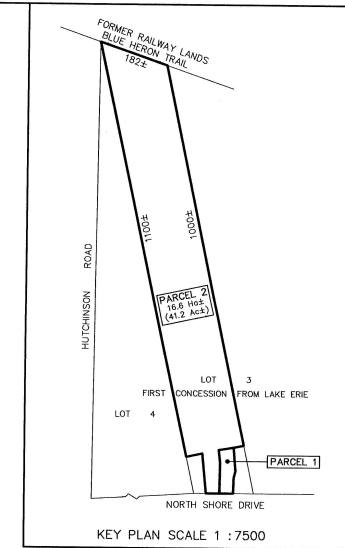
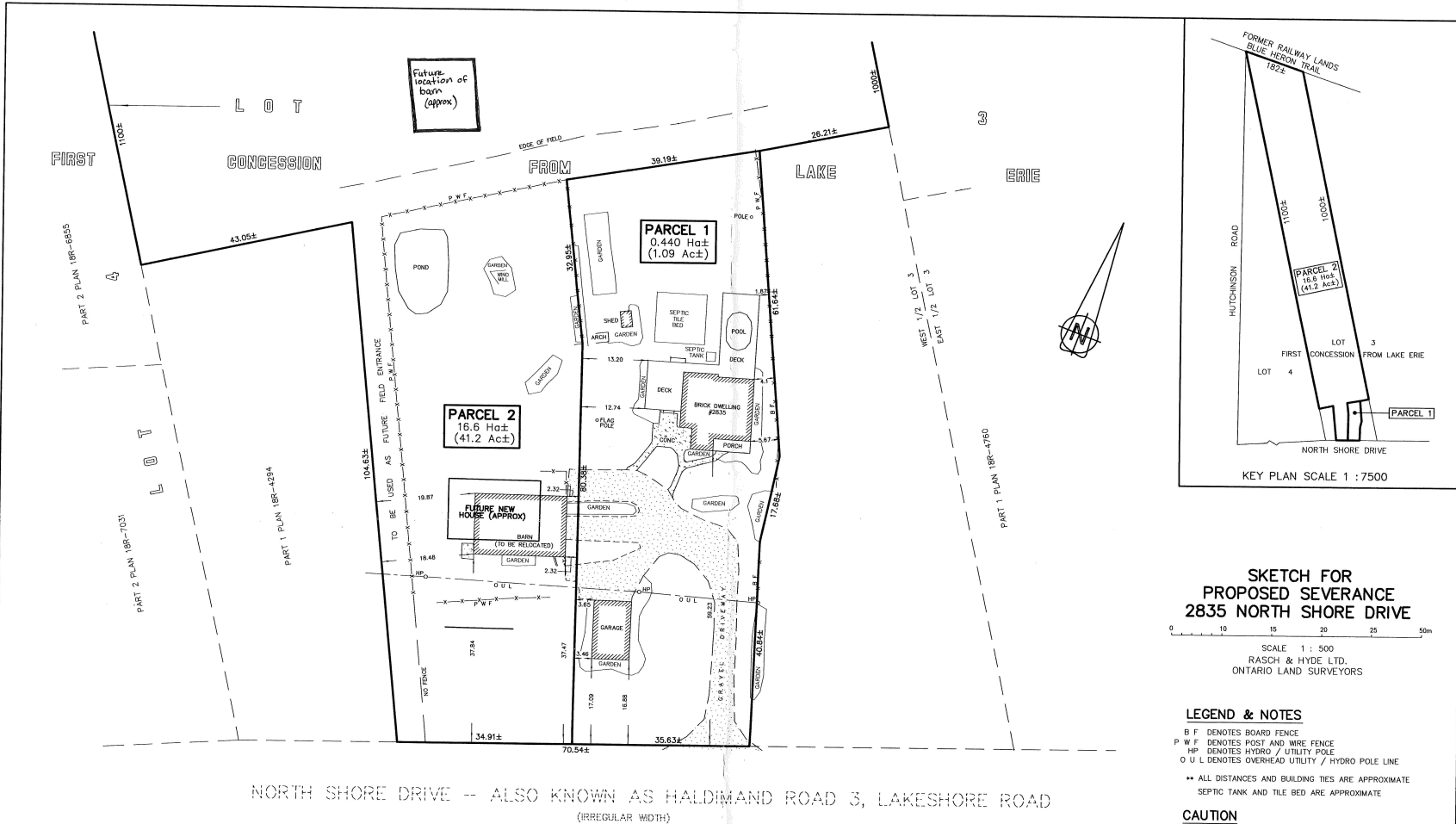
Size:
44.94 Acres

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

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Owner's Sketch FILE #PLB-2020-106 APPLICANT: Pew



SKETCH FOR PROPOSED SEVERANCE 2835 NORTH SHORE DRIVE

SCALE 1 : 500
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

LEGEND & NOTES

B F DENOTES BOARD FENCE
P W F DENOTES POST AND WIRE FENCE
HP DENOTES HYDRO / UTILITY POLE
O U L DENOTES OVERHEAD UTILITY / HYDRO POLE LINE

•• ALL DISTANCES AND BUILDING TIES ARE APPROXIMATE
SEPTIC TANK AND TILE BED ARE APPROXIMATE

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©
- THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL OR PWP CERTIFIED.
- ALL DIMENSIONS AND AREAS ARE APPROXIMATE.

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SURVEYOR'S SEAL

SKETCH

PROPERTY DESCRIPTION

PART OF LOT 3, FIRST CONCESSION FROM LAKE ERIE, GEOGRAPHIC TOWNSHIP OF MOULTON, HALDIMAND COUNTY AS IN HC153655 (1STLY) SOUTH OF PART 1 PLAN HC212203 EXCEPT PART 1 PLAN 18R-4294 PART OF PIN 38100-0171 (L1)

BOUNDARY NOTE

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

METRIC NOTE:

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

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B DUNWILLIE, ONT. N1A 2H1 905-774-7188 (FAX 905-774-4000)	P.O. Box 500, 74 Jerde Street FORT ERIC, ONT. L2A 5Y1 905-871-9757 (FAX 905-871-9748)
HAROLD D. HYDE O.L.S.	
SCALE 1 : 500	SURVEY : 20-192
DRAWN BY : T. Matheson	



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: September 22, 2020

FILE NO: PLB-2020-108

PROPERTY ROLL NO: 2810-022-002-01800

APPLICANT: Hannah and Nathaniel Vander Wier, Bethel Christian Reformed Church

AGENT: Michael Sullivan, Sullivan Planning Services

PROPERTY LOCATION: Indian Reserve, Part Lot 1, Geographic Township of Canborough, known municipally as 8381 Highway 3

PROPOSAL: In this application, the applicant proposes to sever a parcel of land as a boundary adjustment, The severed lands will contain an area of approximately 0.678 hectare (1.7 acres), to be amalgamated with the abutting church lands to the east.

RECOMMENDATION:

That application PLB-2020-108, in the names of Hannah and Nathaniel Vander Wier, is consistent with the Provincial Policy Statement (2020), 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 Dunnville Zoning By-law 1-DU 80. Therefore, planning staff recommends approval of the proposal subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT 2020: The proposal conforms to the Provincial Policy Statement.

PLACES TO GROW 2019: The proposal conforms to the Province’s Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated ‘Agriculture’ and ‘Riverine Hazard Lands’ in Haldimand County’s Official Plan. The intent of the proposal is to add lands to an existing non-conforming use (a church) to allow the church to

expand to serve its growing membership. This proposal meets the criteria for the expansion of a non-conforming use within the Official Plan, provided a zoning by-law amendment is applied for and approved to recognize the proposed expansion.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are Zoned 'Agriculture' and 'Hazard Land' in the Town of Dunnville Zoning By-law 1-DU 80. The lands are to be added to an existing church property that is Zoned 'Rural Institutional'; as a condition of severance, the lands to be boundary adjusted to the church lands will be required to be re-zoned to 'Rural Institutional'.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: No livestock operation were observed in the vicinity or declared in the application.

SITE FEATURES: The subject lands are located on the north side of Highway 3, and the receiving lands are located on the west side of Robinson Road near Dunnville. The lands to be boundary adjusted are currently vacant, and are part of an approximately 5 acre (2 hectare) large residential property. A portion of the lands to be boundary adjusted are regulated by GRCA, and the applicant has been in contact with GRCA regarding this proposal (GRCA has supported the proposal).

SURROUNDING LANDS:

- NORTH –** Agricultural and residential uses
- EAST –** Dunnville
- WEST –** Agricultural uses
- SOUTH –** Agricultural uses, residential uses, Grand River

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Partial lot grading plan required.

GRAND RIVER CONSERVATION AUTHORITY (GRCA): No objections.

HYDRO ONE: No comments or concerns.

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Comment not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: No comments received

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

PLANNING STAFF COMMENTS:

The applicants are proposing to sever a piece of land (0.7 hectares/1.7 acres) and add it to an existing church, providing enough land to the church to allow for a significant expansion to accommodate their growing membership. The existing church is located outside of Dunnville's urban boundary, and is non-conforming to the Agriculture policies of the subject lands. To avoid unnecessary hardship, the extension or enlargement of such non-conforming uses may be permitted subject to the following conditions:

a) The extension or enlargement of the existing non-conforming use or site shall not unduly aggravate an incompatible situation by reason of odour, noise, vibration, dust, smoke, gas, fumes, interference with radio or television reception, unsightliness, inadequate parking, traffic hazards, or other incompatible features;

Planning Comment: The proposed boundary adjustment and associated church uses are not expected to cause or aggravate any incompatible uses.

b) Neighbouring conforming uses will be protected, where necessary, by the provisions of areas for landscaping buffering or screening, appropriate setbacks for buildings and structures and other measures to reduce nuisances; wherever feasible this policy shall apply not only to the extension or enlargement of the use or site but also to the established use in order to improve its compatibility with the surrounding area; and

Planning Comment: No adverse impacts are expected; however, site plan control will allow for the implementation of buffering and setbacks, if required.

c) The County may require an Environmental Impact Study to be undertaken at the proponent's expense and mitigation measures implemented where necessary to protect the Natural Environment Area. Such an EIS will be required where the extension or enlargement of a non-conforming use or site legally existing as of the adoption of this Plan is proposed within:

i) A Natural Environment Area other than those mentioned in c) above; or

ii) The adjacent lands of any Natural Environment Area.

Planning Comment: No natural environment areas are anticipated to be impacted by this proposal. An EIS is not recommended with this application.

Grand River Conservation Authority has met several times with the applicants and is in support of the principle of the boundary adjustment. Permission from GRCA will be required prior to development on the subject lands.

Further, as a condition of consent, a zoning by-law amendment to re-zone the subject lands to 'Rural Institutional' to reflect the proposed church use will be required. The lands will also come under site plan control, and the applicants will be required to move through the site plan process prior to the issuance of any building permits.

Overall, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2020), 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: A public notice sign was posted during site inspections on September 1, 2020 in accordance with the *Planning Act*.

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. That a septic evaluation for severed parcel be completed and **submitted to the Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
3. 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.
4. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6409 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
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 0.678 hectare. Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@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 September 22, 2021, after which time this consent will lapse.

File No. PLB-2020-108

***BETHEL CHRISTIAN REFORMED CHURCH, VANDER WEIR, Hannah and Nathaniel
Assessment Roll No. 2810-022-002-01800***

Location Map FILE #PLB-2020-108 APPLICANT: Bethel Christian Reformed Church



Location:
 8381 HIGHWAY 3
 GEOGRAPHIC TOWNSHIP OF CANBOROUGH
 WARD 6

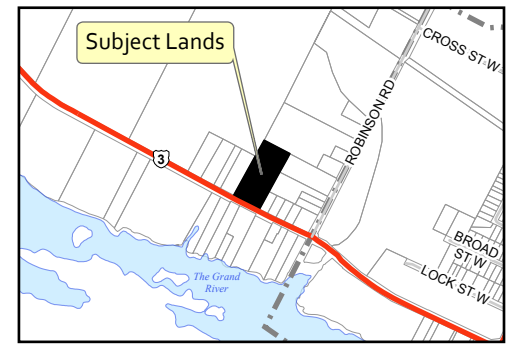
Legal Description:
 CAN RESERVE IND PT LOT 1

Property Assessment Number:
 2810 022 002 01800 0000

Size:
 4.97 Acres

Zoning:
 HR (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 FILE #PLB-2020-108 APPLICANT: Bethel Christian Reformed Church

