



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: November 10, 2020

FILE NO: PLB-2020-129 & PLB-2020-130

PROPERTY ROLL NO: 2810-332-002-09300

APPLICANT: Eric Loney

AGENT: Susan Samuel-Herter

PROPERTY LOCATION: Concession 1, Part Lots 15 and 16, Geographic Township of Walpole, known municipally as 771 South Coast Drive

PROPOSAL: The applicant proposes to sever two lots for residential purposes as follows:
PLB-2020-129 will measure approximately 48.27 metres (158.4 feet) by 64.05 metres (210.1 feet) and will contain an area of approximately 0.304 hectares (0.75 acres).

PLB-2020-130 will be an irregular shaped parcel with a frontage of approximately 48.06 metres (157.7 feet) and will contain an area of approximately 0.6304 hectares (1.56 acres).
The retained parcel will contain an area of approximately 22.78 hectares (56.29 acres).

RECOMMENDATION:

That application PLB-2020-129 and PLB-2020-130, in the name of Eric Loney, is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and satisfies the general purpose 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: The proposal complies.

PLACES TO GROW: The proposal complies.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated Resort Residential as well as Agricultural. The 'Resort Residential' designation is located adjacent to the

right of way known as South Coast Drive, while the rear area of the lot is designated 'Agriculture'. The newly proposed lots will be created within the 'Resort Residential' designation and therefore maintains the intent of the Official Plan.

CITY OF NANTICOKE ZONING BY-LAW NE-1 2000: The lands are zoned Agricultural (A) with a special exception (A.5). The special exception permits the use of a golf course and putting green.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: none

SITE FEATURES: The lands are located on the north side of South Coast Drive and west of Brooklin Road. The site consists of vegetation including trees and brush and contains some wetland areas. A house and accessory structure are located on the lands – which are proposed to be severed through PLB-2020-130.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture and Resort Residential

WEST – Agriculture and Resort Residential

SOUTH – Resort Residential

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Entrance permits required for the severed (PLB-2020-129) and retained parcel.

HYDRO ONE: No concerns or objections.

MISSISSAUGAS OF THE NEW CREDIT: Comments not received

SIX NATIONS: Comments not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comments not received

PUBLIC: No comments or concerns 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 intent of the subject application is to create two vacant properties for future resort residential development. The first lot will measure approximately 48.27 metres (158.4 feet) by 64.05 metres (210.1 feet) and will contain an area of approximately 0.304 hectares (0.75 acres). The second lot will be an irregular shaped parcel with a frontage of approximately 48.06 metres (157.7 feet) and will contain an area of approximately 0.6304 hectares (1.56 acres).

The Haldimand County Official Plan permits severances for new residential lots within a lakeshore node area provided that the resulting properties will be of sufficient size to accommodate the use, that there are appropriate services available to accommodate the use, the proposed severed and retained lands have safe access to an open and maintained public road and no more than five lots are being created. The lands to be severed exist within a built-up residential area of the County, which conforms to policies stated in the Provincial Policy Statement, will not impact any agricultural operations and are large enough to accommodate private services on site. Staff's opinion is that the lands will be large enough to accommodate residential use, and are not encumbered by sensitive features that would restrict the location of these services. The severed lands will have access to South Coast Drive, which is an open and maintained public road. Finally, the severance will result in the creation of two single lots, which will not offend the policy stating that no more than 5 (additional) lots will be created .

Due to the fact that the applicants are seeking to create two new developable lots for resort residential purposes, there is the need for staff to ensure that the lot grading and drainage for the properties is carried out properly. In order to ensure this, staff are recommending that a condition be applied to require the applicants provide the County with a comprehensive lot grading and drainage plan, which will need to be reviewed and approved by the County. The lot grading plan will assess the grades / identify proper locations and design for the driveway approaches as identified in the Development & Design Technologist comments above. Also, staff are recommending to apply a condition which will require that the applicants register an agreement on title that will ensure that development of the site is carried out in the same fashion that was approved by the County.

Overall, planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement (2020), conforms with the Provincial Growth Plan 2019, and is in conformity with the Haldimand County Official Plan, while also maintaining the general intent and purpose of the City of Nanticoke Zoning By-law NE-1 2000. Therefore, planning staff recommends that this application be approved, subject to conditions as attached.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A sign was posted on site at time of site visit.

Prepared by:



Alicia West,
Planner

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

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$301.00 for deed stamping.
2. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner\developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process; and
3. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
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 and 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, approximately 0.304 hectares (0.75 acres). 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 November 10, 2021, after which time this consent will lapse.

File No. PLB-2020-129

LONEY, Eric

Assessment Roll No. 2810-332-002-09300

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 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; and
3. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.6304 hectares (1.56 acres). 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 ds cott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

Angular Unit:

Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 10, 2021, after which time this consent will lapse.

File No. PLB-2020-130

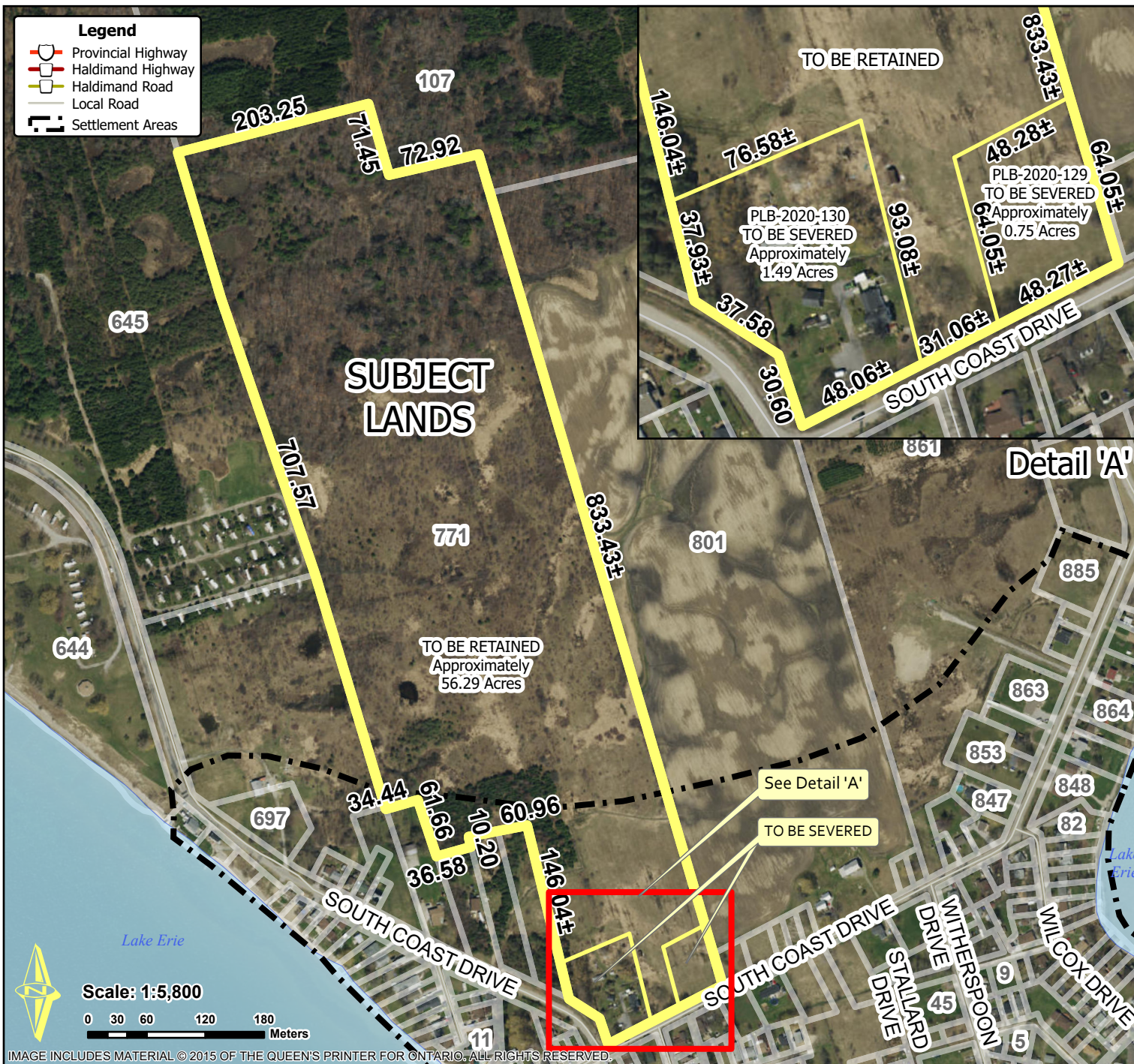
LONEY, Eric

Assessment Roll No. 2810-332-002-09300

Location Map FILE #PLB-2020-129 & 130 APPLICANT: Loney



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



Location:
 771 SOUTH COAST DRIVE
 GEOGRAPHIC TOWNSHIP OF WALPOLE
 WARD 1

Legal Description:
 WALPOLE CON 1 PT LOTS 15 AND 16

Property Assessment Number:
 2810 332 002 09300 0000

Size:
 58.53 Acres

Zoning:
 A (Agricultural) & Special Provision A-5

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.

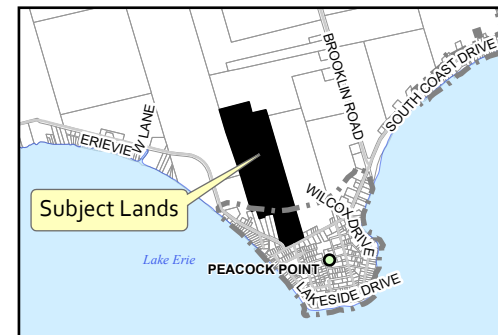
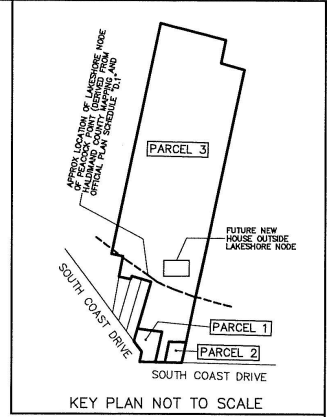
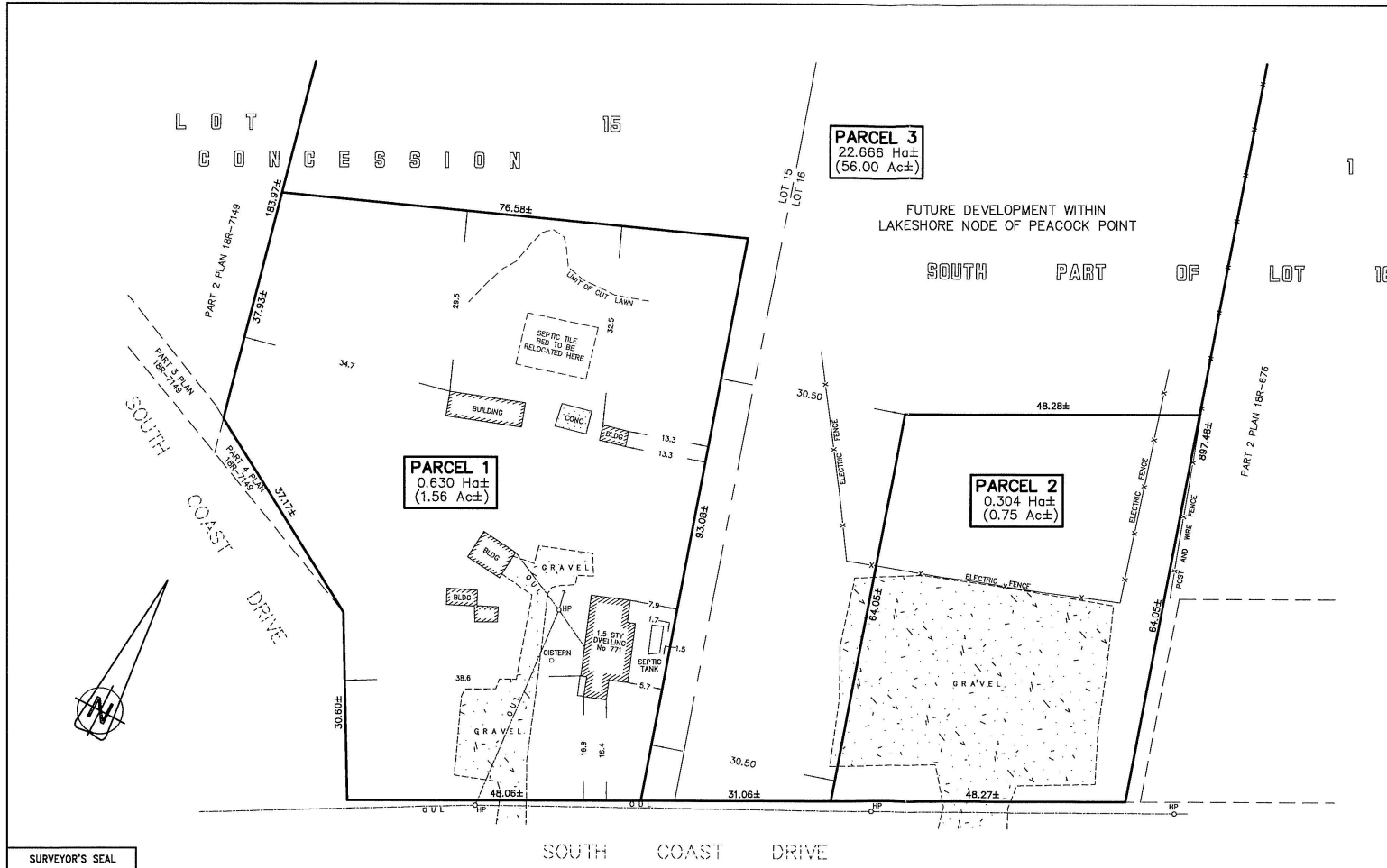


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Owner's Sketch FILE #PLB-2020-129 & 130 APPLICANT: Loney



SKETCH FOR PROPOSED SEVERANCE 771 SOUTH COAST DRIVE

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

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

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RASCH + HYDE LTD. Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B DUNKLE, ONT. N1A 2X1 905-774-7188 (FAX 905-774-4000)	P.O. Box 550, 74 Jarvis Street FERRIS, ONT. L2A 0T1 905-871-9757 (FAX 905-871-9748)
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HAROLD D. HYDE O.L.S.
 SCALE 1 : 500 SURVEY : 20-043 DRWN BY : T. Motheson

SURVEYOR'S SEAL

SKETCH

PROPERTY DESCRIPTION

PART OF LOT 15, PART OF THE SOUTH PART OF LOT 16, CONCESSION 1, GEOGRAPHIC TOWNSHIP OF WALPOLE, HALDIMAND COUNTY
 PIN 38202-0366 (LT)

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS; PLAN 18R-676, PLAN 18R-7149 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

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: November 10, 2020

FILE NO: PLB-2020-132

PROPERTY ROLL NO: 2810-158-002-58200

APPLICANT: Frank Wiseman

AGENT: Paul Rushton

PROPERTY LOCATION: Concession 2, Part Lot 2, Registered Plan 18R-2885 Parts 1-11, Geographic Township of Rainham, known municipally as 132 Concession 3 Road.

PROPOSAL: The application proposes to sever a 18.8 hectare (46.5 acres) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands to the east. The retained land will contain an area of approximately 22.2 hectares (54.8 acres).

RECOMMENDATION:

That proposal PLB-2020-132, in the name of Frank Wiseman, 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; therefore, planning staff recommends that this application be approved subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application complies.

PLACES TO GROW: The application complies.

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

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

EXISTING INTENSIVE LIVESTOCK OPERATIONS: N/A

SITE FEATURES: The lands are located on the south side of Concession 3 Road, east of Highway 53. The site is dissected by Stoney Creek and contains a single detached dwelling and accessory structures.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture

WEST – Agriculture

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: No concerns or objections.

HYDRO ONE: No concerns or objections.

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Comment not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: No comments received

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

PLANNING STAFF COMMENTS:

The applicants are proposing a boundary adjustment that encompasses an irregular shaped parcel with a size of approximately 18.8 hectares (46.4 acres) and is to be merged with the lands municipally known as 250 Concession 3 Road and 4109 Rainham Road.

The Haldimand County Official Plan (OP) states that the Agricultural designation permits boundary adjustments provided no new lots are created as a result of the boundary adjustment and does not compromise the functionality / viability of a farm. Staff are of the opinion that the

proposed boundary adjustment complies with the policies within the Official Plan, since the lands are to be severed and consolidated with the adjacent Lantern Lane Farms and therefore no new building lot will be created. The proposal will not negatively affect the functionality or viability of farm lands since the lands are dissected by Stoney creek and vegetation around the creek. The receiving property known as Lantern Lane Farms would have more efficient access to farm the rear portion of lands to be severed from 132 Concession 3 Road. Although staff are of the opinion that the boundary adjustment meets the policies set out in the Official Plan and maintains the intent of the Zoning By-law the receiving lands municipally known as 250 Concession 3 Road are currently land locked. Staff are in support of the application subject to the condition that all three properties merge as one therefore eliminating the land locked portion of lands. Staff have reached out to the proponent and they have no concerns with consolidating the lands.

Based on the foregoing, it is planning staff's opinion that the proposal be approved subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A sign was posted on site at time of the site visit.

Prepared by:



Alicia West,
Planner

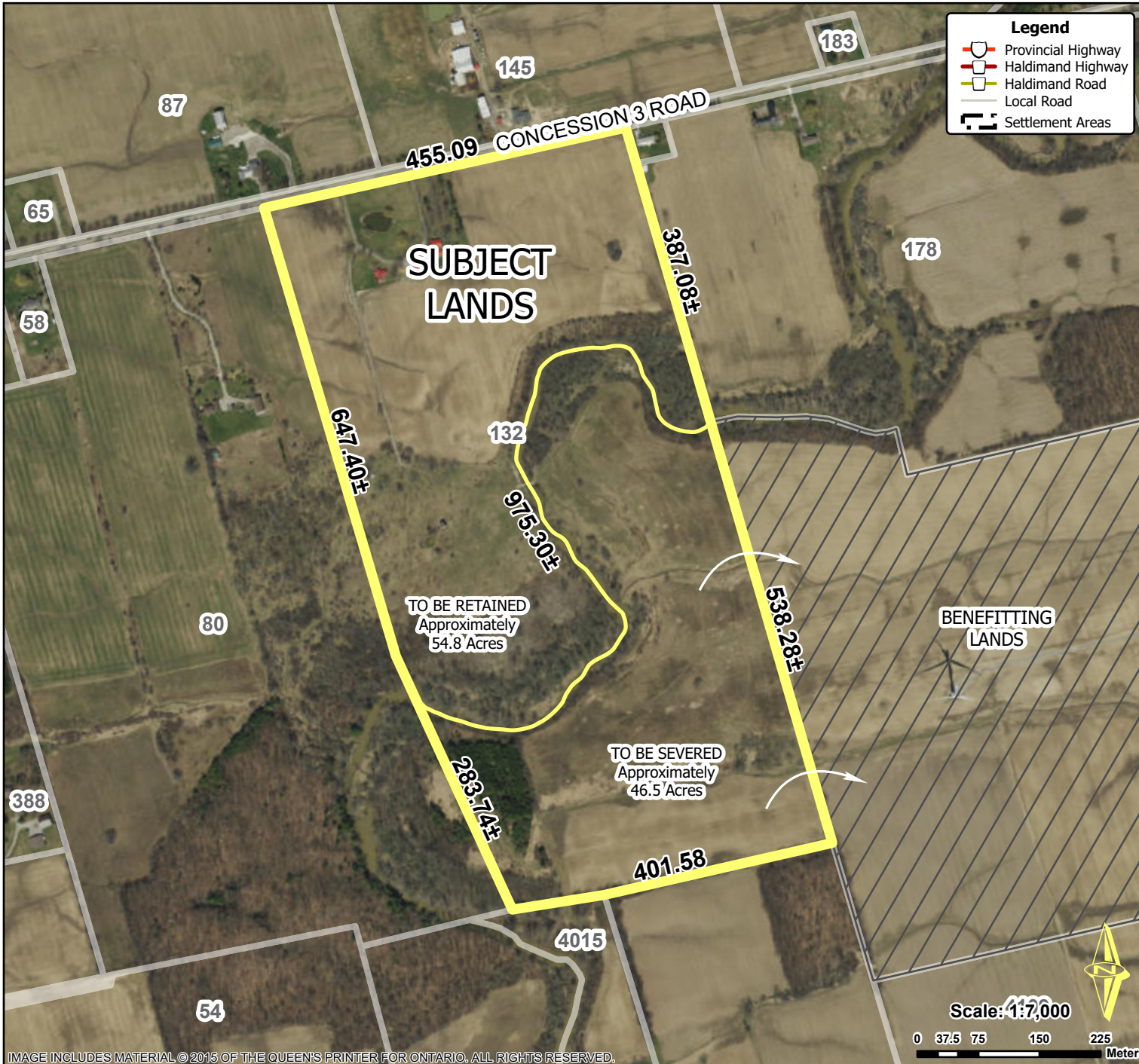
IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, and a fee of \$301.00 for deed stamping.
2. That the properties owned by Paul Rushton (identified as Roll# 2810-158-002-56000 and 2810-158-002-56100) are merged on title, and that proof of this transaction is provided to the Secretary-Treasurer prior to the signing of the certificate.
3. That the severed parcels become part and parcel of the abutting lands presently owned by Paul Rushton and further identified as Roll # 2810-158-002-56000 and 2810- 158-002-56100.
4. Receipt of confirmation that the subject severed lands have been transferred into the name of Paul Rushton, prior to the signing of the certificate by the Secretary-Treasurer.
5. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 18.8 hectare (46.5 acres). 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 November 10, 2021, after which time this consent will lapse.

File No. PLB-2020-132
WISEMAN, Frank
Assessment Roll No. 2810-158-002-58200

Location Map FILE #PLB-2020-132 APPLICANT: Wiseman



Location:

**132 CONCESSION 3 ROAD
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2**

Legal Description:

RNH CON 2 PT LOT 2 RP 18R2885 PARTS 1-11

Property Assessment Number:

2810 158 002 58200 0000

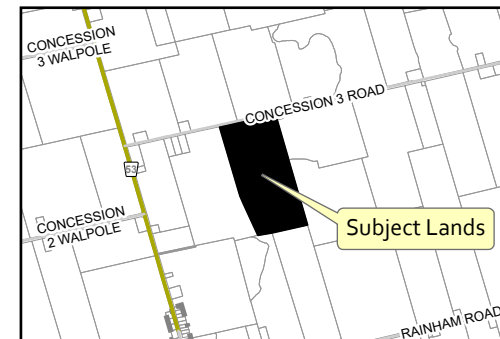
Size:

101.3 Acres

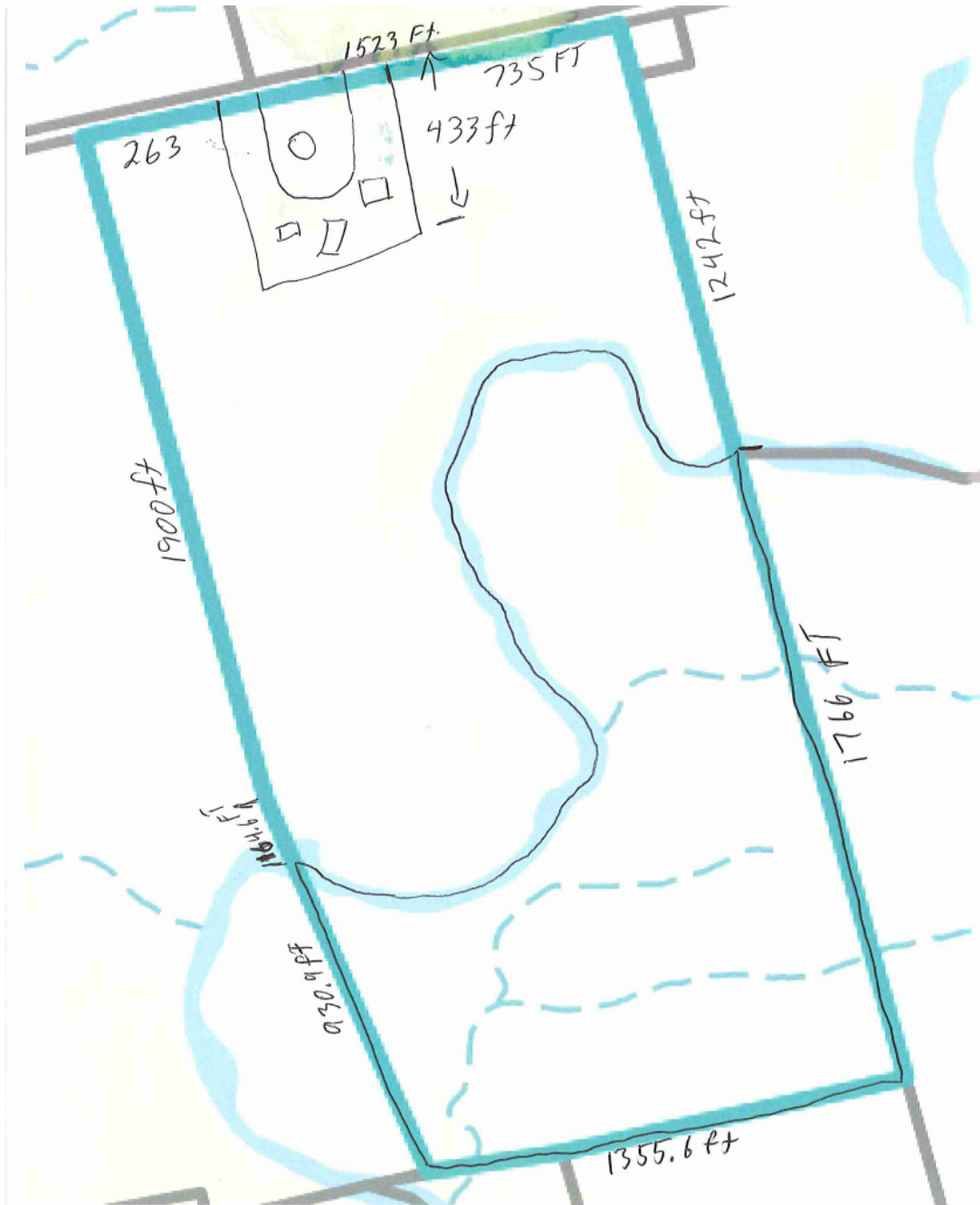
Zoning:

A (Agricultural)

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Owner's Sketch FILE #PLB-2020-132 APPLICANT: Wiseman





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: November 10, 2020

FILE NO: PLB-2020-139

PROPERTY ROLL NO: 2810-158-001-81600

APPLICANT: Sheppard Bros. Ltd.

PROPERTY LOCATION: Concession 2, Part Lots 16 and 17, Geographic Township of Rainham, known municipally as 5189 Rainham Road.

PROPOSAL: The applicant proposes to sever a lot containing an existing surplus farm dwelling and five accessory structures. The irregular-shaped severed lands will have frontage of approximately 50.2 metres (164.7 feet) and will contain an area of approximately 0.94 hectare (2.32 acres). The retained parcel will contain an area of approximately 51.0 hectares (126.11 acres).

RECOMMENDATION:

That proposal PLB-2020-139, in the name of Sheppard Bros. Ltd., is although consistent with the Provincial Policy Statement (2020) and the Province's Growth Plan, does not conform to the Haldimand County Official Plan, and does not meet the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86; therefore, Planning staff recommends that this application be deferred to allow the proponent the opportunity to reduce the proposed lot size of the surplus farm dwelling and to allow for proper notification as dictate by the Planning Act.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal does comply for reasons noted below.

PLACES TO GROW: The proposal does comply for reasons noted below.

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

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: The lands are zone Agriculture (A).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: none

SITE FEATURES: The property is located on the north side of Rainham Road, west of Sweets Corner Road and contains a single detached dwelling and multiple barns.

SURROUNDING LANDS:

NORTH – Agriculture

EAST – Agriculture

WEST – Agriculture

SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: 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:

The Official Plan permits the severance of a habitable farm dwelling that is a minimum of ten years in age and that is made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County subject to a number of additional criteria. The surplus farm dwelling is more than 10 years old and the applicant has submitted a declaration of habitability stating that the dwelling is habitable. The applicant also owns a farm with a dwelling located on it within Haldimand County. The proposal generally conforms to these items however does not conform to all criteria listed below.

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

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

Planning Comment: The proposed severance is approximately 0.94 hectares (2.3 acres) in size and does NOT maintain the size required. Staff are of the opinion that there is opportunity to reduce the size of the severed parcel and bring into compliance with the recommended size as dictated above.

- 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 may affect the viability of the farm. Efforts have not been taken to minimize the lands removed from the farm parcel since the applicant is proposing to sever the barns with the dwelling.

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

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

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

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

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

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

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

Planning Comment: Planning staff have no concerns.

Overall, it is planning staff's opinion that the proposal is although consistent with the Provincial Policy Statement (2020) and complies with the Province's Growth Plan (2019), the proposal does not conform to the Haldimand County Official Plan and does not meet the intent and purpose of the Town of Haldimand Zoning By-law 1-H 86. Therefore, planning staff recommends that this application be deferred to allow the opportunity to reconfigure the property and reduced the size of the severed parcel and to ensure proper notification if followed as per the Planning Act.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: No sign was posted at time of site visit

Prepared by:



Alicia West,
Planner

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

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$301.00 for deed stamping.
2. 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.
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. 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.
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 0.94 hectare (2.32 acres). 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

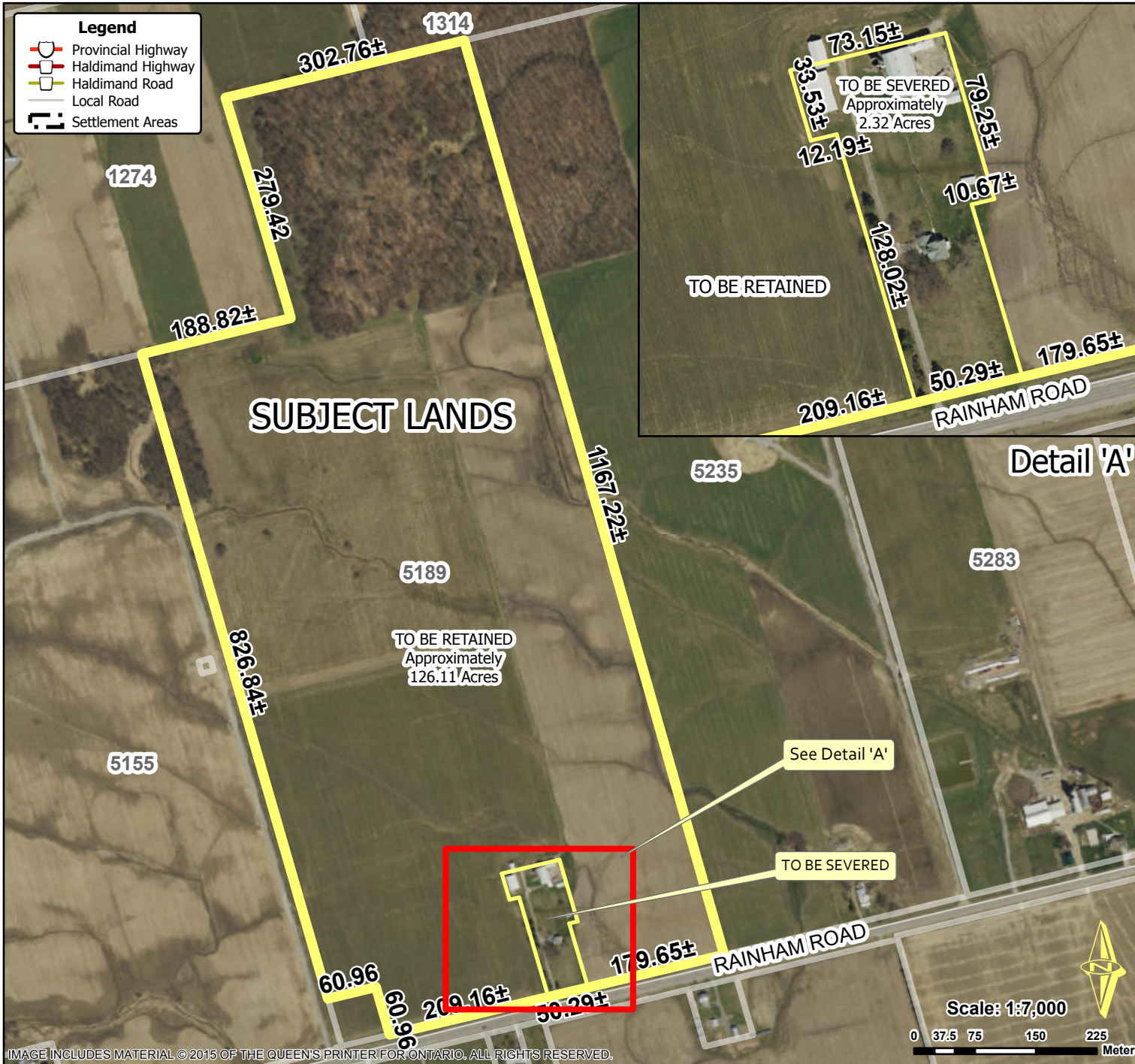
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 10, 2021, after which time this consent will lapse.

File No. PLB-2020-139

SHEPPARD BROS. LTD.

Assessment Roll No. 2810-158-001-81600

Location Map FILE #PLB-2020-139 APPLICANT: Sheppard Bros. Ltd.



Location:
5189 RAINHAM ROAD
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2

Legal Description:
RNH CON 2 PT LOT 16 17

Property Assessment Number:
2810 158 001 81600 0000

Size:
128.43 Acres

Zoning:
A (Agricultural)

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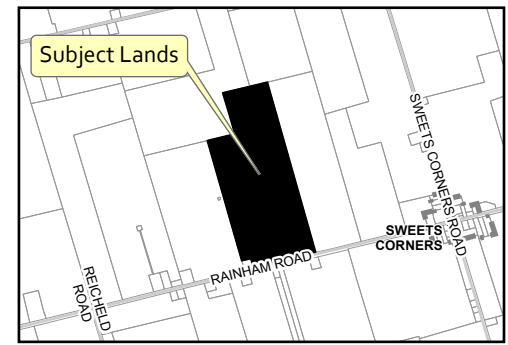
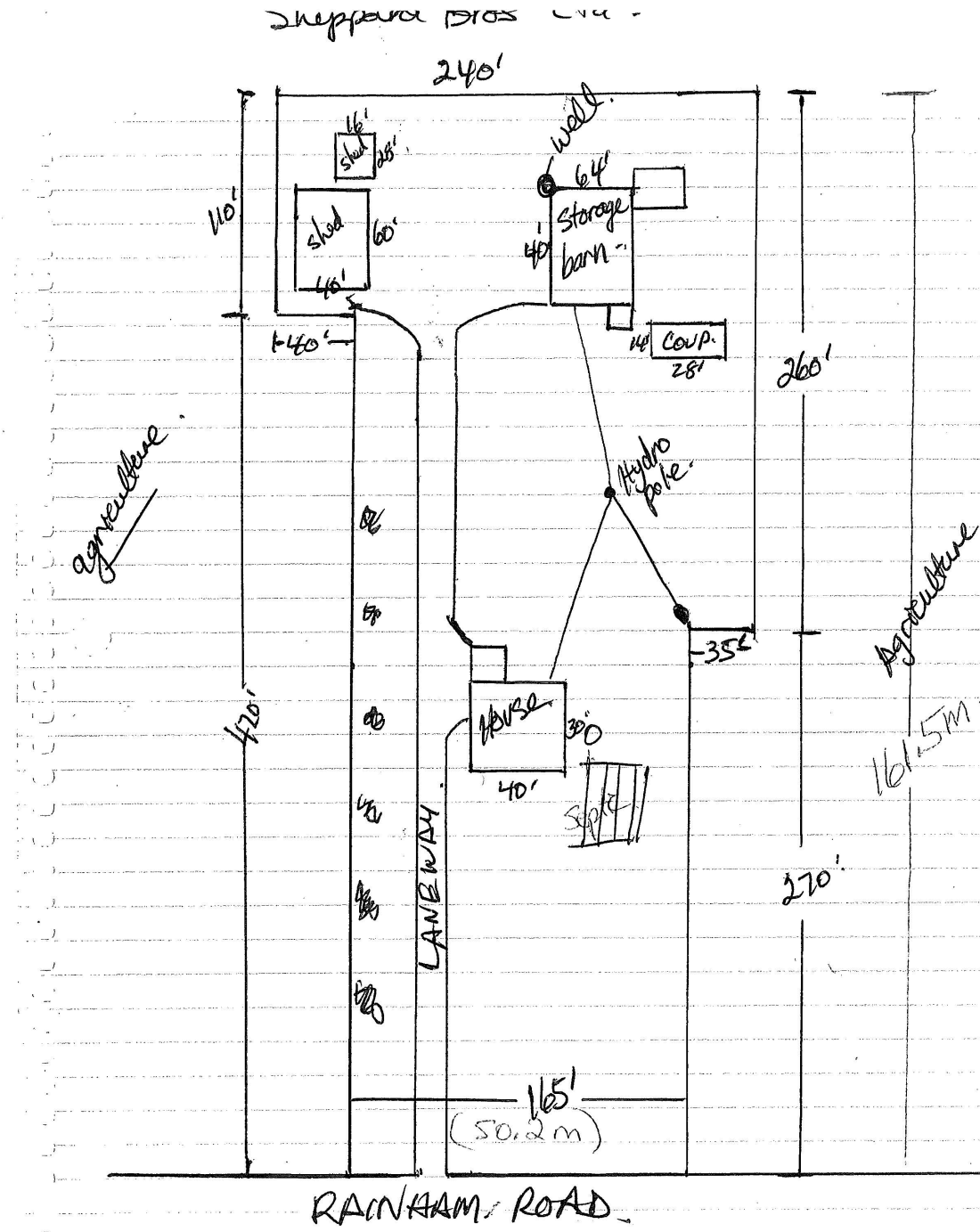


IMAGE INCLUDES MATERIAL © 2015 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

Owner's Sketch FILE #PLB-2020-139 APPLICANT: Sheppard Bros. Ltd.





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: November 10, 2020

FILE NO: PLA-2020-133

PROPERTY ROLL NO: 2810-021-003-08500

APPLICANT: James Rodney Lockhart

PROPERTY LOCATION: Plan 2695, Part Lot 20, Geographic Township of Dunn, known municipally as 33 Dover Street.

PROPOSAL: Relief is requested from the provisions of the Seasonal Residential (RS) Zone of Town of Dunnville Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Interior Side Yard (right)	3 metres (9.84 feet)	1.52 metres (5.0 feet)	1.48 metres (4.84 feet)
Interior Side Yard (left)	3 metres (9.84 feet)	1.55 metres (5.08 feet)	1.45 metres (4.76 feet)
Rear Yard	9 metres (29.5 feet)	4.02 metres (13.2 feet)	4.98 metres (16.3 feet)

This application is to recognize a proposed wrap-around deck that was not recognized in the previously submitted Minor Variance application PLA-2019-154.

RECOMMENDATION

The required relief is to allow for the construction of a wrap-around deck on the proposed dwelling. That application PLA-2020-133, in the name of James Rodney Lockhart, 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 purpose and intent of the Town of Dunnville Zoning by-law 1-DU 80. It is also considered minor in nature and appropriate development of the lands; therefore, planning staff recommends approval of this application subject to the following conditions:

1. The development shall be in accordance with the attached sketch;
2. The existing accessory structure to be removed prior to removal of the existing dwelling;
3. The dwelling shall not be used for year round residential purposes;

4. That the requirements of Hydro One, regarding the location/relocation of the existing plant, be satisfied. Contact Hydro One at (519) 426-4446 for further information;
5. That a septic evaluation be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (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; and
6. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner\developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application complies.

PLACES TO GROW: The application complies.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated “Hamlet” and a portion of the lands are within the “Lakeshore Hazard Lands” and “Natural Environment Reference Area”.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The lands are zoned Seasonal Residential (RS).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: N/A

SITE FEATURES: The lands are situation north of Lake Erie on the south side of Dover Street, west of the Grand River.

SURROUNDING LAND USES:

NORTH – Residential

EAST – Residential

WEST – Residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Change right interior side yard setback to 1.52 metres proposed giving a deficiency of 1.48 metres.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No concerns.

HYDRO ONE: No concerns .

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: PUBLIC: No comments received.

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

PLANNING RATIONALE

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

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

Planning Comment: The subject lands are designated “Hamlet” and “Lakeshore Hazard Lands” within the Haldimand County Official Plan. A cottage / dwelling with associated deck is a permitted form of development within the Hamlet designation, however not permitted in the Hazard Lands unless otherwise proven suitable. The applicants have previously obtained variances to reconstruct and enlarge the cottage through application PLA-2019-154 and were granted relief from the side yards setbacks, lot area and lot frontage; however the wrap-around deck was not included and this variance application with recognize the additional setback reduction. The application is in keeping with the intent and purpose of the Official plan since there will be no negative impacts on the existing character of the neighbourhood and a GRCA permit has already been obtained.

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

Planning Comment: The subject lands are zoned Seasonal Residential (RS) in the Town of Dunnville Zoning Bylaw DU-1 80. Cottages and decks are a permitted use under the ‘RS’ zone. The applicants are seeking relief from the provisions of the zoning by-law pertaining to interior side yard setbacks (left and right) and rear yard setback for the proposed wrap around deck. The reduced side yard and rear setbacks will maintain the proper functionality and maintenance of the property, all while improving usability of the site and proposed cottage. Therefore, the application is in general keeping with the intent and purpose of the Zoning By-law.

3. Is the proposal considered minor in nature?

Planning Comment: The application is minor in nature based on the reasons listed in criteria 1 and 2.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: The subject lands are located within the Hamlet of Maitland. Through an oversight, the deck shown in the original application was not captured in the variances. The wrap around deck is appropriate for the property as it will not have a negative impact on adjacent lots and will not alter the characteristics of the built neighbourhood. Therefore, the proposal is appropriate and compatible with the neighbourhood.

Based on the foregoing, it is staffs opinion that the application be approved because it is minor in nature, generally maintains the intent and purpose of the Official Plan and Zoning By-law and is a desirable and compatible form of development.

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

Prepared by:



Alicia West,
Planner

Location Map FILE # PLA-2020-133 APPLICANT: Lockhart



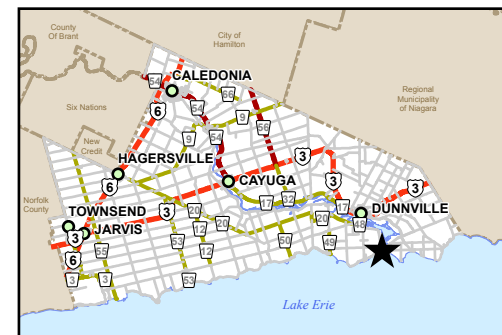
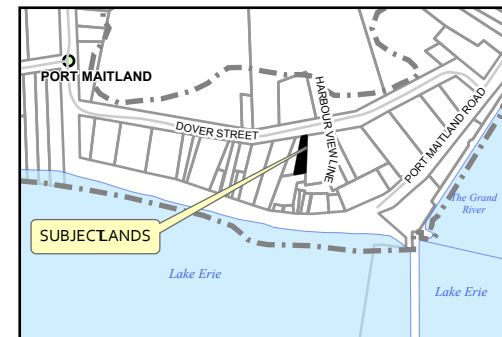
Location:
33 DOVER ST
GEOGRAPHIC TOWNSHIP OF DUNN
WARD 5

Legal Description:
DUN PLAN 2695 PT LOT 20
Property Assessment Number:
2810 021 003 08500 0000

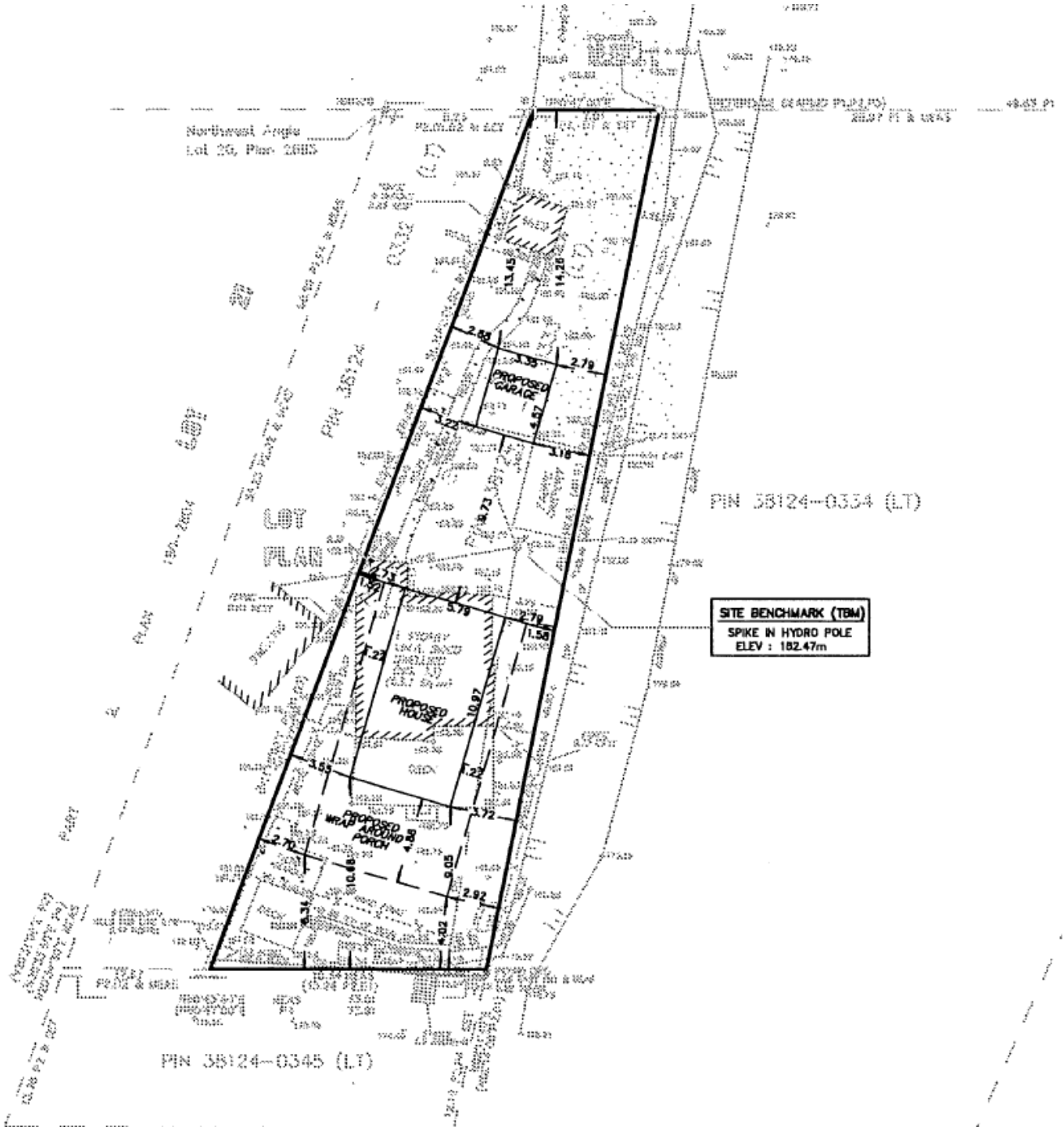
Size:
0.13 Acres

Zoning:
RS (Seasonal Residential)

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Owner's Sketch FILE # PLA-2020-133 APPLICANT: Lockhart





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: November 10, 2020

FILE NO: PLA-2020-137

PROPERTY ROLL NO: 2810-023-004-04200

APPLICANT: You Zheng Wu

AGENT: John Kwan

PROPERTY LOCATION: Concession South of Fork Road, Part Lot 20, Plan 3339, Geographic Township of Moulton, known municipally as 1616 Highway 3.

PROPOSAL: Relief is requested from the provisions of the Agricultural (A) Zone of Town of Dunnville Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Height of Building	11 metres (36 feet)	12.15 metres (39.9 feet)	1.15 metres (3.9 feet)

The required relief is to allow for the construction of a three-storey dwelling on the property.

RECOMMENDATION

That application PLA-2020-137, in the name of You Zheng Wu, is consistent with Provincial Policy (2020), conforms to the Province’s Growth Plan (2019) and Haldimand County’s Official Plan, and meets the general purpose and intent of the Town of Dunnville Zoning By-law 1-DU 80. It is also considered minor in nature and appropriate development of the lands; therefore, planning staff recommends approval of this application subject to the following conditions:

- 1) The proposed development will be constructed substantially in accordance with the attached sketch;
- 2) That the existing dwelling be removed to the satisfaction of Haldimand County Building Controls and By-law Enforcement Division.

- 3) Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner\developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
- 4) Receipt of a letter from the Engineering & Capital Works Division indicating that their requirements, regarding a drainage re-apportionment agreement, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application conforms.

PLACES TO GROW: The applicant conforms

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The property is designated Agriculture, Environmental Reference Area as well as Mineral Aggregate reference area.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The property is Zoned Agriculture (A) within the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The site consist of an single detached dwelling as well as a number of accessory structure. A large number of vegetation and wetland areas are located on the property as well. Upon site inspection, the proposed dwelling has been constructed.

SURROUNDING LAND USES:

NORTH – Rural Commercial and agriculture

EAST – Agriculture and Rural Residential

WEST – Agriculture and Rural Residential

SOUTH – Agriculture and Rural Residential

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Full lot grading plan required. Drainage re-apportionment agreement required.

HYDRO ONE: No concerns or comments.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: PUBLIC: No comments received.

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

PLANNING RATIONALE

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

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

Planning Comment: The subject lands are designated 'Agriculture' and are partially identified as an environmental reference area. The applicant has constructed a three storey single detached dwelling, and there was an error done during construction that increased the height. Relief for the height of the dwelling has now been requested. A single detached dwelling is a permitted use within the Agricultural designation. The dwelling is located entirely within the Agriculture designation and will not interfere with the environmental features of the property.

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

Planning Comment: The applicant is proposing to exceed the maximum height of a single detached dwelling of 12.15 metres, whereas 11 metres is permitted. The intent of this provision is to ensure that dwellings maintain a consistency in height that does not negatively effect adjacent lands and impede on neighbour privacy.

The front yard set back of the dwelling is significant that the dwelling is further back from the street line and buffered by mature trees. The mature trees and setback minimize the

impact of the increased height and therefore maintains the character of the adjacent lands.

As such, it is planning staff's opinion that the proposal satisfies the general intent and purpose of the Zoning By-law.

3. Is the proposal considered minor in nature?

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

4. Is the proposal considered appropriate and compatible development?

Planning Comment: The proposed dwelling is appropriate for the property as a single detached dwelling is a permitted use within the agricultural portion of the property. The requested variance is to rectify a construction error. If Currently the Zoning by-law only permits one single detached dwelling per lot where one currently exists. As a condition the proponent will be required to remove the existing dwelling.

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. Therefore, planning staff recommends approval of this application subject to the condition listed above.

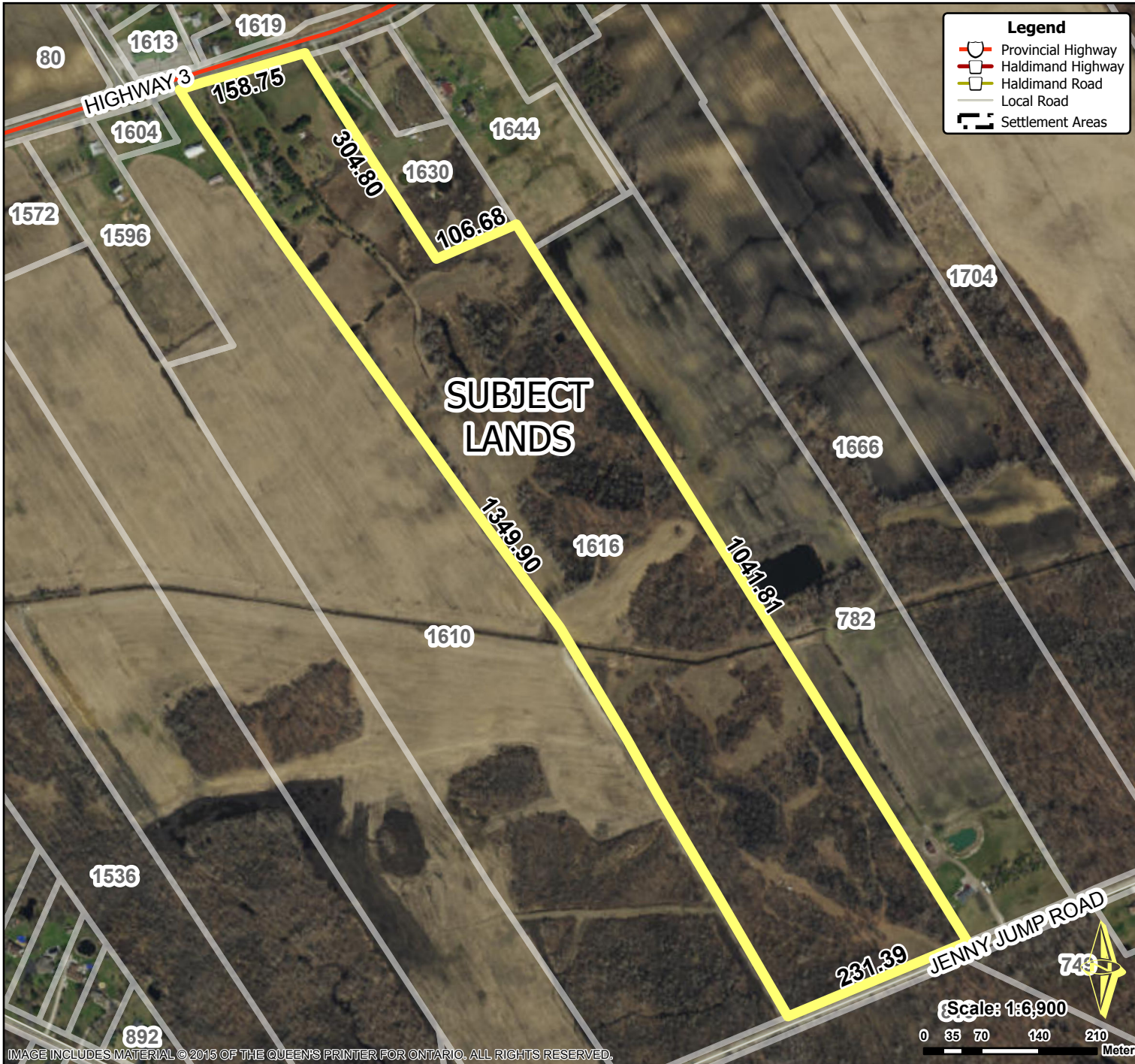
NOTICE SIGN POSTED: A sign was posted at the time of site visit.

Prepared by:



Alicia West,
Planner

Location Map FILE #PLA-2020-137 APPLICANT: Wu



Location:
1616 HIGHWAY 3 EAST
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5

Legal Description:
MLT CON SFR PT LOT 20 PLAN 3339

Property Assessment Number:
2810 023 004 04200 0000

Size:
69.0 Acres

Zoning:
A (Agricultural)

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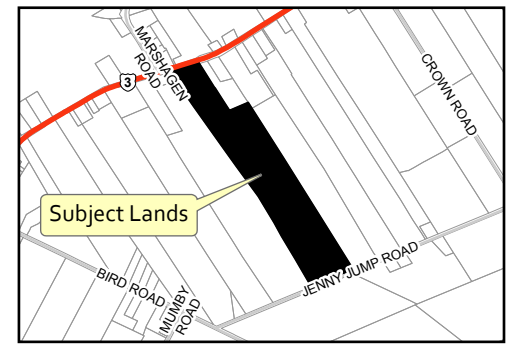
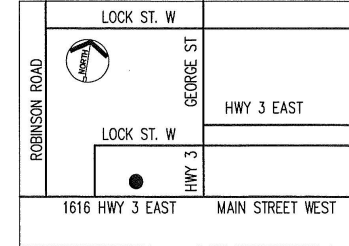
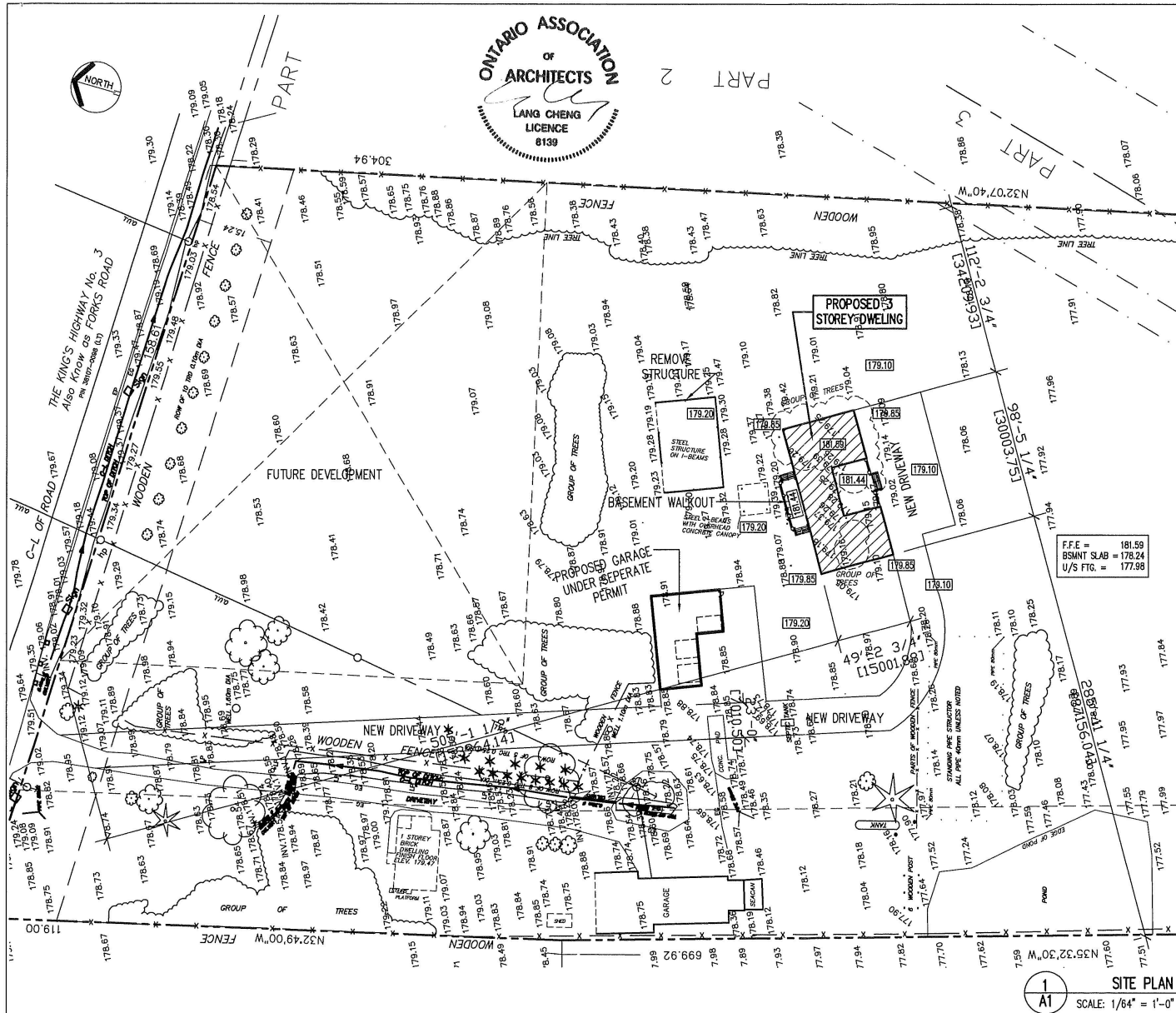


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Owner's Sketch FILE #PLA-2020-137 APPLICANT: Wu



2
A1 PROJECT KEY PLAN

- LEGEND**
- PROPERTY LINE
 - ▨ NEW DWELLING
 - - - ZONEING SET BACK
 - - - - - TO BE DEMOLISHED

LEGAL DESCRIPTION
COPY OF SKETCH SHOWING TOPGRAPHIC INFORMATION
PART OF LOT 20
CONSESION SOUTH OF FORKS ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
HALDIMAND COUNTY.

PREPARED BY:
RASCH + HYDE LTD O.L.S.
P.O BOX 6 1333 HIGHWAY#3 EAST UNIT B
DUNNVILLE, ONT. N1A 2X1
905.774.4000

SITE DATA:

FLOOR AREAS:	
GROUND FLOOR:	4,153 SF (386m ²)
SECOND FLOOR:	3,555 SF (330m ²)
THIRD FLOOR:	1,838 SF (170m ²)
TOTAL =	9,546 SF (886m²)
BUILDING HEIGHT:	
T/O RIDGE	39'-10" (12.15m)



FOR STRUCTURAL INFORMATION ONLY

1
A1 SITE PLAN
SCALE: 1/64" = 1'-0"

ALL DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF TOMMASO CONSULTANTS AND MAY NOT BE REPRODUCED WITHOUT WRITTEN CONSENT.
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND OTHER ALL CONDITIONS IN THE JOB BEFORE PROCEEDING WITH WORK.
LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.
DRAWINGS NOT TO BE SCALED.

REVISIONS & ISSUES

Description	Date	No.
ISSUED TO CLIENT	SEP 21/20	2
ISSUED TO CLIENT	AUG 24/20	1

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.C.G. TO BE A DESIGNER.
QUALIFICATION INFORMATION:
TOMMASO GAZZOLA (E.C.L.I.A.) 24931



ARCHITECTURAL DESIGN BY
TOMMASO
CUSTOM RESIDENCE
1616 HWY No.3 EAST
DUNNVILLE, ONTARIO

SITE PLAN

PROJECT NO.	DATE
1616	SEPTEMBER 2016
DRAWN BY:	SCALE:
TS	AS NOTED
CHECKED BY:	
TS	
DRAWING NO.	

A1



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: November 10, 2020

FILE NO: PLA-2020-140

PROPERTY ROLL NO: 2810-023-005-01458

APPLICANT: David and Pamela Bergin

PROPERTY LOCATION: Concession 1 from Canborough, Part Lot 21, Reference Plan 18R-23 Part 36, Geographic Township of Moulton, known municipally as 35 Oswego Park Road.

PROPOSAL: This application is to satisfy a condition of Consent Application PLB-2020-040. Relief is requested from the provisions of the Hamlet Residential(RH) Zone of Town of Dunnville Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Part 1			
Front Yard Setback	9 metres (29.5 feet)	5.88 metres (19.3 feet)	3.12 metres (10.2 feet)
Interior Side Yard Setback – Right	3 metres (9.8 feet)	1.5 metres (4.9 feet)	1.5 metres (4.9 feet)
Part 2			
Lot Area	925 square metres (9,956.6 square feet)	728 square metres (7,836.1 square feet)	197 square metres (2,120.5 square feet)
Front Yard Setback	9 metres (29.5 feet)	7.1 metres (23.3 feet)	1.9 metres (6.2 feet)
Rear Yard Setback	9 metres (29.5 feet)	5.09 metres (16.7 feet)	3.91 metres (12.8 feet)

RECOMMENDATION

That application PLA-2020-140, in the name of David & Pamela Bergin, 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.

ANALYSIS SUMMARY

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

PLACES TO GROW: The proposal conforms with the Provincial Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: 'Agriculture'. Even though the property in question is designated as 'Agriculture', it is in the centre of an existing built residential area serviced by a road and sanitary service of long standing, and the proposal will not impact on agricultural operations. Proposal conforms to the Official Plan.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: The subject lands are zoned 'Hamlet Residential'. The proposal conforms.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located within the subdivision of Oswego Park. The proposed severed parcel is currently vacant. The parcel that is proposed to be retained contains a single-family dwelling and a shed.

SURROUNDING LANDS:

NORTH – Residential

EAST – Residential

WEST – Residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Entrance permit required for severed parcel.

HYDRO ONE: No concerns or objections.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: PUBLIC: Comments not 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'. Although the lot is designated agriculture, the newly proposed lot is located within a built-up area. A single detached dwelling is a permitted use within the Agricultural designation and will have no negative impact on existing agricultural lands.

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

Planning Comment: The applicant is proposing a number of variances to the Hamlet Residential Zone for both the severed and retained lot. The proponents are requesting a reduced front yard, and interior side yard setback for Part 1 (the retained lands), and a reduced lot area, front and rear yard setback for Part 2 (the newly created lot).

The purpose and intent of the provisions of the by-law are to ensure that adequate amenity space is provided, functional grading and drainage can occur on the lot and the integrity of the built neighbourhood is maintained. The request for a reduced front yard setback and interior side yard setback for the retained lands are in general keeping with the intent of the zoning by-law since the dwelling is existing and maintains a consistent street line. The reduced interior side yard setback allows for proper functionality including drainage and maintenance of the lot. Additionally, the lot is irregular in shape and therefore provides constraints in meeting the required setbacks for the existing dwelling.

The severed parcel is deficient in lot area and the proponent is also requesting relief for a reduced front and rear yard setback. Although the proponent has not supplied a footprint of the proposed home on the severed parcel, staff are confident that a reduced

front yard and rear yard setback will maintain the existing character of the neighbourhood. The adjacent dwellings vary size and would allow for an appropriate size dwelling for the area. Additionally, the reduced front yard setback will allow for the conditions street line with the adjacent lands. The reduced rear yard setback will still permit adequate amenity space since there is also exterior side yard which can also be utilized for amenity space.

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

3. Is the proposal considered minor in nature?

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

4. Is the proposal considered appropriate and compatible development?

Planning Comment: For the reasons listed under criterion 2, it is planning staff's opinion that the proposal is minor in nature. The lot creation will be consistent and maintain similar character to existing development in area.

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. Therefore, planning staff recommends approval of this application subject to the condition listed above.

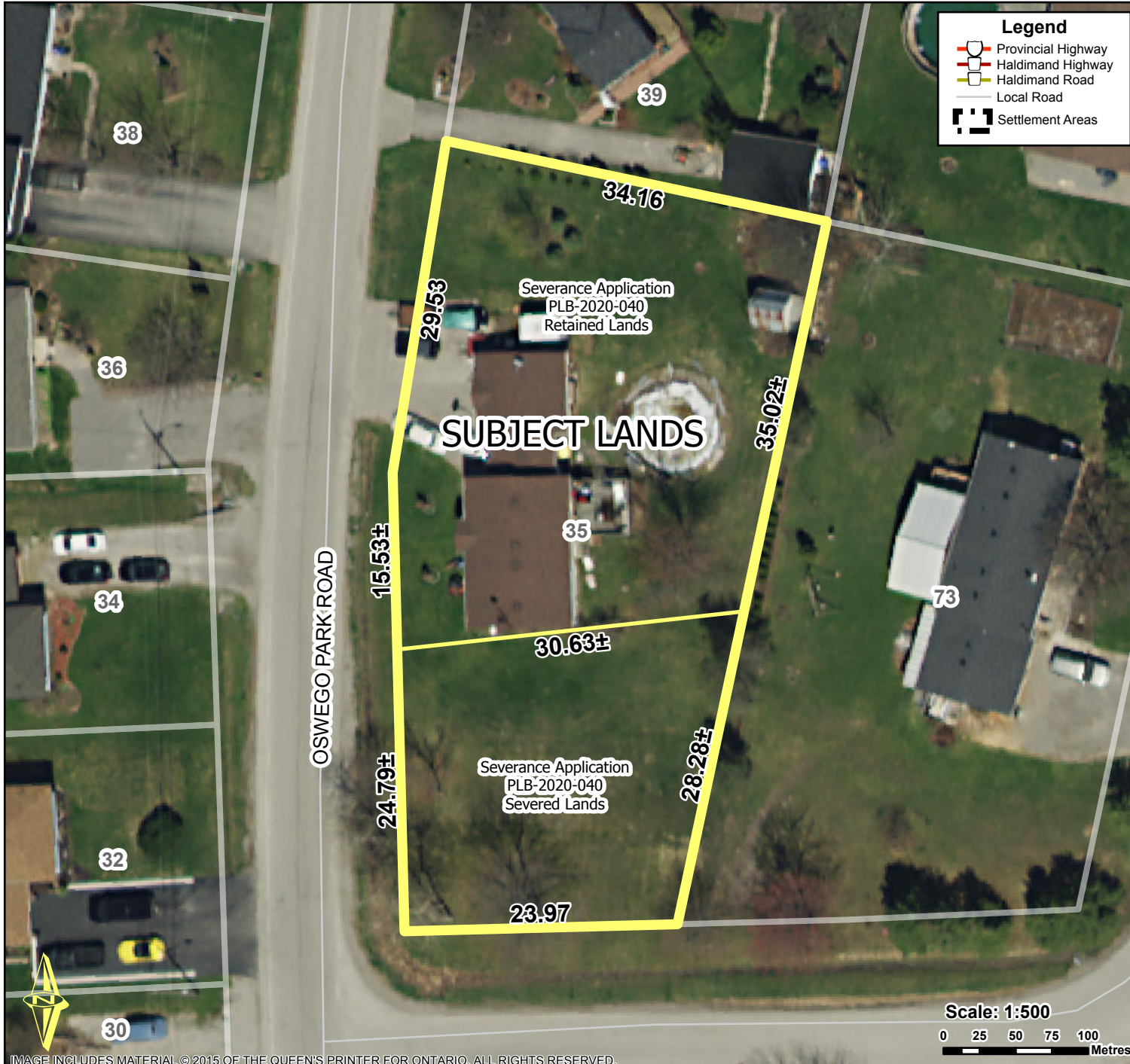
NOTICE SIGN POSTED: No sign was visible at the time of site visit.

Prepared by:



Alicia West,
Planner

Location Map FILE #PLA-2020-140 APPLICANT: Bergin



Location:

**35 OSWEGO PARK ROAD
GEOGRAPHIC TOWNSHIP OF MOULTON
WARD 5**

Legal Description:

MLT CON 1 C PT LOT 21 RP 18R23 PART 36

Property Assessment Number:

2810 023 005 01458 0000

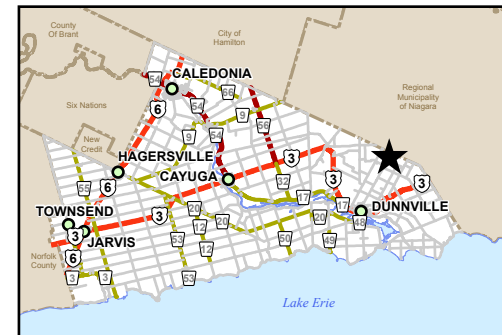
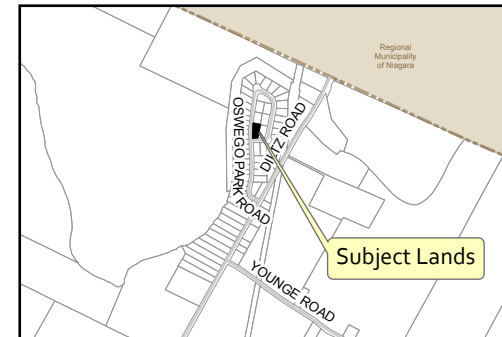
Size:

0.51 Acres

Zoning:

HR (Hamlet Residential)

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Owner's Sketch FILE #PLA-2020-140 APPLICANT: Bergin

