

HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Consent

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLB-2020-172

PROPERTY ROLL NO: 2810-332-008-35500

APPLICANT: Rushton Holdings Ltd.

AGENT: Kim Hessels

PROPERTY LOCATION: Concession 1, Part Lot 22, Registered Plan 18R1798 Part 1,

Geographic Township of Walpole, known municipally as 3756

Rainham Road

PROPOSAL: The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The irregular-shaped severed lands will have frontage of approximately 70 metres (229.66 feet) and will contain an area of approximately 1.56 hectare (3.85 acres). The retained parcel will contain an area of approximately 36.2 hectares (89.5 acres).

RECOMMENDATION:

That proposal PLB-2020-172, in the name of Rushton Holdings., is not 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 Haldimand County Zoning By-law; therefore, Planning staff recommends that this application be denied.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal does not comply for reasons listed below.

PLACES TO GROW: The proposal does not comply for reasons listed below.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The lands are designated Agriculture with Special Policy Area Nant.3. The special policy it to permit the use of a facility for the storage and dismantling, but not the sale, of vehicles and parts.

thereof, and removal of same from site for further processing

HALDIMAND COUNTY ZONING BY-LAW HC-1 2020: The subject lands are zoned Agricultural (A) with Hazard lands towards the rear of the property.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None.

SITE FEATURES: The property is located on the south side of Rainham Road, east of Wheeler Road and contains a single detached dwelling and outbuilding.

SURROUNDING LANDS:

NORTH – Agricultural EAST – Agricultural WEST – Agricultural SOUTH – Agricultural

AGENCY & PUBLIC COMMENTS

that any septic systems are contained within the parcels to which they serve and within the required setbacks. Confirmation that any other services are contained within the parcels to which they serve. i.e. Hydro, water, ground source heating loop, wells, networking. Confirmation that any underground drainage systems are contained within the parcels to which they serve. i.e. Municipal drains, field drainage system. That a civic address be assigned to both the severed lands and retained lands. Confirmation that the existing accessory structure meets the required setback.

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

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Concern for any potential destruction or other adverse impacts to the pond itself as well as to local species, wildlife, aquatic life etc. that may utilize the pond and adjacent lands.

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 does not conform to all the 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 1.0 hectares (2.5 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. Although some effort has been taken to reduce the proposed size to 1.0 hectares, the proposed barn should remain with the retained farmlands.
- 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: It is staff's opinion that the proposed severed lot line should not dissect

the existing pond on the property. Maintenance and usage of the pond could become

convoluted.

Overall, it is planning staff's opinion that the proposal is not 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 Haldimand County Zoning By-law 1-2020. Therefore, planning staff recommends that this application be refused or deferred to allow the proponent the opportunity to further reduce the

severed lands.

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

the Provincial legislation.

NOTICE SIGN POSTED AT DATE OF SITE VISIT: Sign was erected on February 3, 2021, as verified

by the agent of the application.

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 \$308.00 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 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 Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification.
- 5. 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.
- 6. That the existing accessory structure meets the required setback on the severed lands 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.
- 7. That an application for a new civic address be submitted for the severed parcels. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.

- 8. 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.
- 9. 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.
- 10. Receipt of a copy of the registered reference plan of the severed parcel, approximately frontage of approximately 70 metres (229.66 feet) and will contain an area of approximately 1.56 hectare (3.85 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

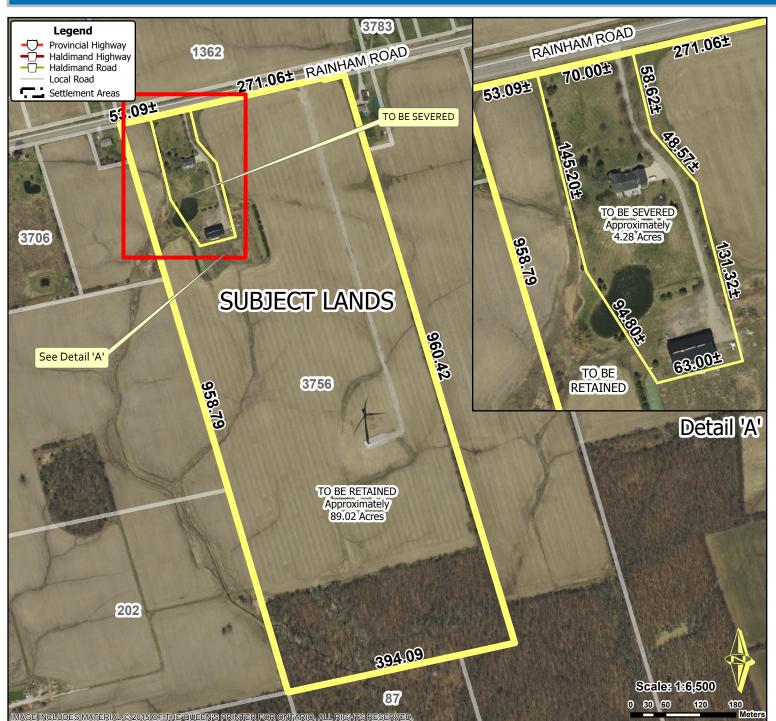
Datum: D_North_American_1983

Prime Meridian: Greenwich Angular Unit: Degree

11. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 23, 2022, after which time this consent will lapse.

File No. PLB-2020-172 RUSHTON HOLDINGS LTD. Assessment Roll No. 2810-332-008-35500

Location Map FILE #PLB-2020-172 APPLICANT: Rushton Holdings Ltd





Location:

3756 RAINHAM ROAD GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WAL CON 1 PT LOT 22 RP 18R1798 PART 1

Property Assessment Number:

2810 332 008 35500 0000

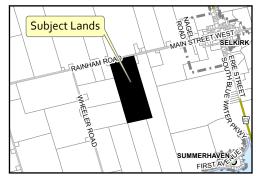
Size:

93.3 Acres

Zoning:

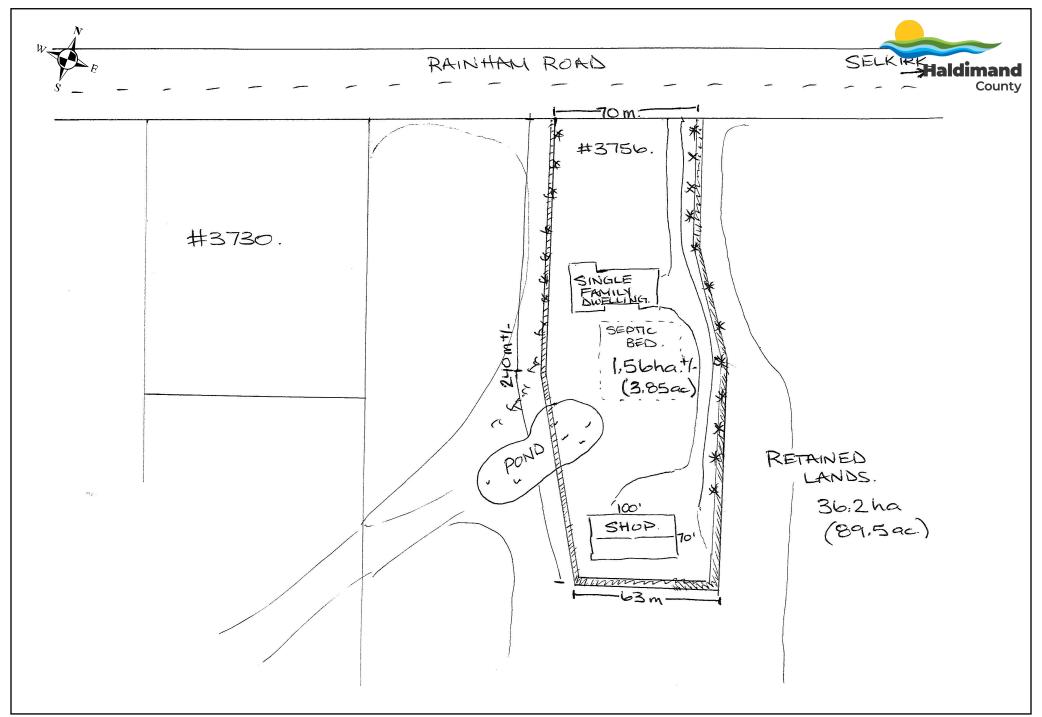
A (Agricultural)

HALDIMAND COUNTY, IT'S 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 IN





Owner's Sketch FILE #PLB-2020-172 APPLICANT: Rushton Holdings Ltd





HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Consent

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLB-2020-177 & 178

PROPERTY ROLL NO: 2810-025-002-06610

APPLICANT: Jameel Rizvi and Amina Zaidi

PROPERTY LOCATION: Concession 1, Part Lot 12, Geographic Township of Sherbrook,

known municipally as 8 Villella Road

PROPOSAL: The applicant proposes to sever two lots for residential purposes. The severed lands in application PLB-2020-177 will be an irregular shaped parcel with a frontage of approximately 19.32 metres (63.39 feet) and will contain an area of approximately 0.105 hectares (0.26 acres). The severed lands in application PLB-2020-178 will be an irregular shaped parcel with a frontage of approximately 32.63 metres (107.05 feet) and will contain an area of approximately 0.134 hectares (0.33 acres). The retained parcel will measure approximately 15.24 metres (50 feet) by 45.72 metres (150 feet), and contain an area of approximately 0.07 hectares (0.17 acres).

RECOMMENDATION:

That application PLB-2020-177 and PLB-2020-178, in the name of Jameel Rizvi and Amina Zaidi, 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 Haldimand County Zoning By-law 1-2020. 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 property is designated 'Resort

Residential'.

HALDIMAND COUNTY ZONING BY-LAW HC-1 2020: The subject lands are zoned Lakeshore

Residential (RL).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The lands are located on the north side of Villella Road as well as the west side

of Dickout Road and has frontage on both roads as well. The site is irregular in shape and is

vacant.

SURROUNDING LANDS:

NORTH – Residential

EAST - Residential

WEST – Residential

SOUTH - Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Confirmation

that any septic systems are contained within the parcels to which they serve and within the required setbacks. Confirmation that any other services are contained within the parcels to which they serve. i.e. Hydro, water, ground source heating loop, wells, networking. Confirmation that any underground drainage systems are contained within the parcels to which they serve. i.e.

Municipal drains, field drainage system. That a civic address be assigned to both the severed

lands and retained lands.

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Municipal drainage re-

apportionment agreement required. Entrance permits required for both severed parcels.

HALDIMAND COUNTY EMERGENCY SERVICES: No issues with the application.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA): No objections to application.

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Comment not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: Comments were received from Janet Holloway (a neighbour of the property) expressing concerns that the proposed severances may impact surrounding property in terms of flooding. Another neighbour, Al Thombs, expressed concern that the proposed properties may become Air B&B properties; that there would be flooding issues if the new lots were built upon; and questioned whether there would be room on the proposed properties for septic beds. He also expressed concern that the existing dwelling (on the retained parcel) is not well kept up, and he worries that the new lots will have the same problem.

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 lakeshore residential development. The two proposed lots will have frontage onto Dickout Road and the retained will front onto Villella Road.

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 resort residential use, and are not encumbered by sensitive features that would restrict the location of these services. The severed lands will have access to Dickout Road, which is an open and maintained public road. Finally, the severances 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.

The proposed lots will be in keeping with the existing lot pattern within the built area and will maintain the lot area and lot frontage requirements of the Lakeshore Residential (RL) zone. Albeit, the retained lands will have deficient lot area and lot frontage which will require the need of a Minor Variance application to recognize. Staff are confident that the reduced lot deficiencies are in keeping with the character of the existing area and will mimic adjacent lot patterns. staff note that the retained lands are located within the hazard lands with a small portion to the rear what is not. The proponent would require permissions from the Niagara Peninsula Conservation Authority.

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 Haldimand County Zoning By-law 1-2020. Therefore, planning staff recommends that this application be approved, subject to conditions as attached.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The signs were erected as of February 8, 2021, as verified by the applicant.

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 \$308.00 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 a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification.
- 4. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6415, for further clarification.
- 5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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 an application for a new civic address be submitted for the severed parcels. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.

- 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, with a frontage of approximately 19.32 metres (63.39 feet) and will contain an area of approximately 0.105 hectares (0.26 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 23, 2022, after which time this consent will lapse.

File No. PLB-2020-177
RIZVI, Jameel and ZAIDI, Amina
Assessment Roll No. 2810-025-002-06610

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 \$308.00 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 a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification.
- 4. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6415, for further clarification.
- 5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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 an application for a new civic address be submitted for the severed parcels. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.

- 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, with a frontage of approximately 32.63 metres (107.05 feet) and will contain an area of approximately 0.134 hectares (0.33 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 23, 2022, after which time this consent will lapse.

File No. PLB-2020-178
RIZVI, Jameel and ZAIDI, Amina
Assessment Roll No. 2810-025-002-06610

Location Map FILE #PLB-2020-177 & PLB-2020-178 APPLICANT: Rizvi-Zaidi





Location:

8 VILLELLA ROAD GEOGRAPHIC TOWNSHIP OF SHERBROOKE WARD 5

Legal Description:

SHERBROOKE CON 1 PT LOT 12

Property Assessment Number:

2810 025 002 06610 0000

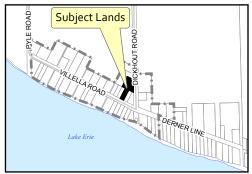
Size:

0.76 Acres

Zoning:

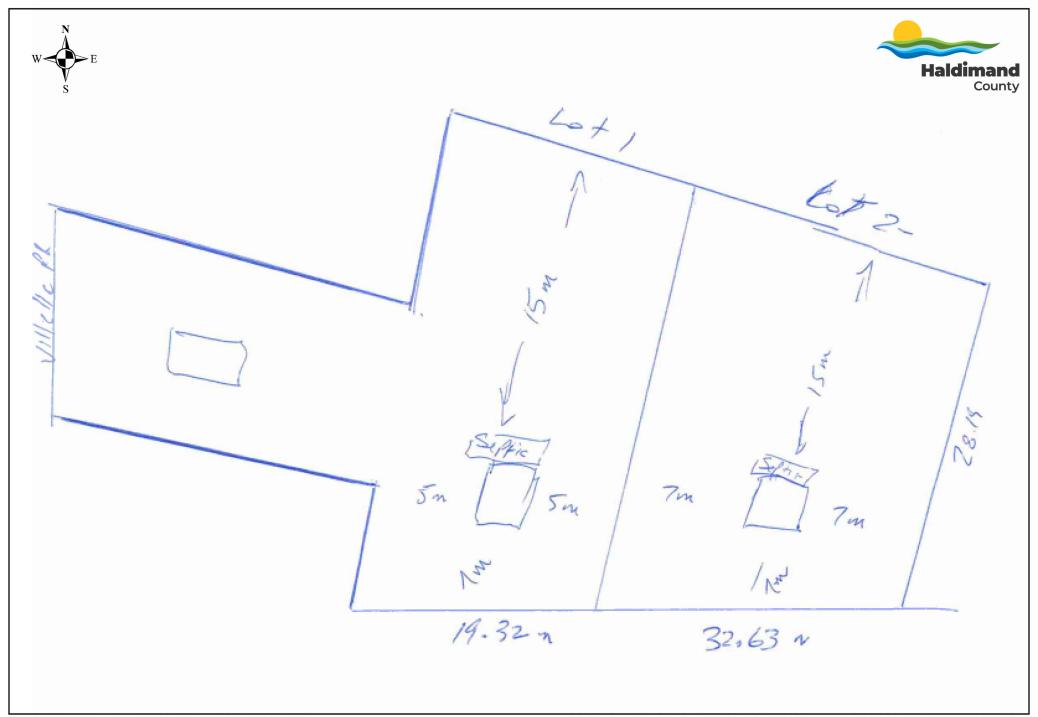
RS (Seasonal Residential)

HALDIMAND COUNTY, IT'S 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 IN





Owner's Sketch FILE #PLB-2020-177 & PLB-2020-178 APPLICANT: Rizvi-Zaidi





HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Consent

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLB-2020-182

PROPERTY ROLL NO: 2810-158-001-63100

APPLICANT: James Neil McCallum

AGENT: Michael W. Fowler

PROPERTY LOCATION: Concession 1, Part Lot 21 plus Right-of-Way, Geographic Township

of Rainham, known municipally as 26 Brookers Road

PROPOSAL: The application proposes to sever a 0.0139 hectare (0.03 acre) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands to the west (1995 Lakeshore Road) to address the encroachment of a driveway onto the subject lands.

RECOMMENDATION:

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

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The application conforms.

PLACES TO GROW: The application complies.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The lands are designated Lakeshore Hazard Lands.

HALDIMAND COUNTY ZONING BY-LAW HC-1 2020: The subject lands are zoned Agricultural (A).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: None

SITE FEATURES: The subject lands are located on the east side of Bookers Road and on the north side of Lakeshore Road. There is a single detached dwelling currently located on the property. The benefitting parcels front onto Lakeshore Road, both of which also contain single detached dwellings.

SURROUNDING LANDS:

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

AGENCY & PUBLIC COMMENTS

that any other services are contained within the parcels to which they serve. i.e. Hydro, water, ground source heating loop, wells, networking. Confirmation that any underground drainage systems are contained within the parcels to which they serve. i.e. Municipal drains, field drainage system.

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

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Comment not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: No comments received

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

PLANNING STAFF COMMENTS:

The subject lands are irregularly shaped with an approximate area of 19.4 hectares (48 acres). The purpose of the consent application is to sever a small portion of lands with an area of 0.0139 hectare (0.03 acre) to merged with the adjacent lands municipally known as 1995 Lakeshore Road since the driveway is encroaching on the subject lands.

The Haldimand County Official Plan (OP) permits boundary adjustments for non-agriculturally designated lands provided that no new lot is created as a result of the boundary adjustment and does not compromise the functionality / viability of a farm. The subjects lands are zoned agricultural (A) but have been disturbed as the driveway has been established and the receiving lands are Lakeshore Residential. Therefore no farm lands will be removed as a result of the boundary adjustment. Additionally, no new residential building lot will be created as a result of the proposed boundary adjustment. Based on the foregoing, the boundary adjustment complies with the policies of the Official Plan.

Both the proposed severed lands and the proposed receiving lands comply with the regulations set out in their respective zones.

Based on the foregoing, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2020), complies with the Province's Growth Plan, and conforms to the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020; therefore, planning staff recommends that this application be approved, subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The sign was posted as of February 8, 2021, as verified by the agent.

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 \$308.00 for deed stamping.
- 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 3. That the severed parcels become part and parcel of the abutting lands presently owned by Kyle Douglas Lockhart and further identified as Roll # 2810-158-001-65500.
- 4. That confirmation is provided that any other services are contained within the parcels to which they serve (i.e. Hydro, water, ground source heating loop, wells, networking); and that confirmation that any underground drainage systems are contained within the parcels to which they serve (i.e. Municipal drains, field drainage system) to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932 for clarification.
- 5. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed <u>and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land</u>. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
- 6. 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 0.0139 hectare (0.03 acre). 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:
 -81.0000000

 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 February 23, 2022, after which time this consent will lapse.

File No. PLB-2020-182 McCALLUM, James Neil Assessment Roll No. 2810-158-001-63100

Location Map FILE #PLB-2020-182 APPLICANT: McCallum





Location:

26 BROOKERS ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

Legal Description:

RNH CON 1 PT LOT 21 PLUS ROW

Property Assessment Number:

2810 158 001 63100 0000

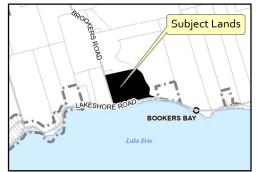
Size:

48.68 Acres

Zoning:

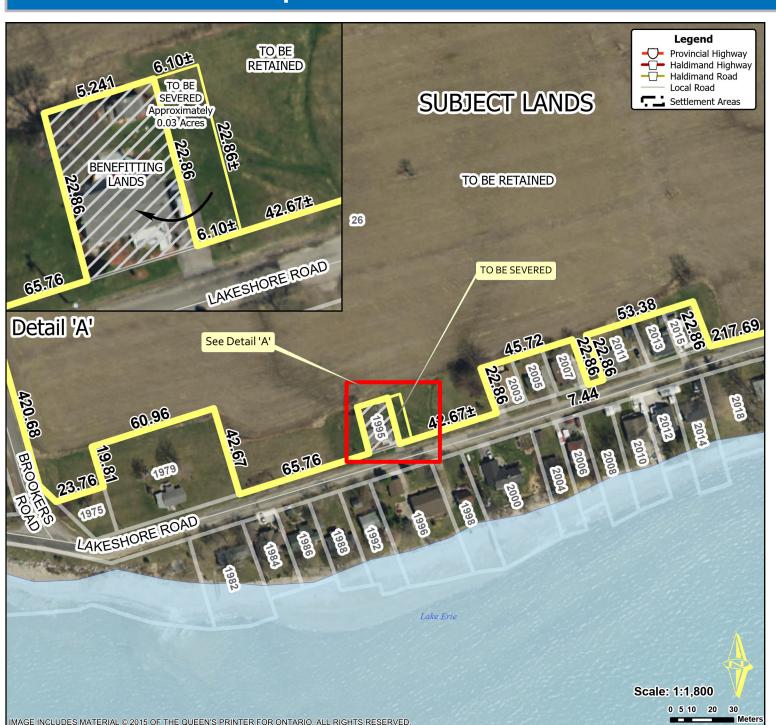
A (Agricultural)

HALDIMAND COUNTY, IT'S 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 IN





Detail Map FILE #PLB-2020-182 APPLICANT: McCallum





Location:

26 BROOKERS ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

Legal Description:

RNH CON 1 PT LOT 21 PLUS ROW

Property Assessment Number:

2810 158 001 63100 0000

Size:

48.68 Acres

Zoning:

A (Agricultural)

HALDIMAND COUNTY, IT'S 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 IN

Subject Lands

Lake Erie

BOOKERS BAY

County Care Hammon

Sur Nations

County Cale Down

Fine Cale District

Sur Nations

County Cale Down

Fine Cale District

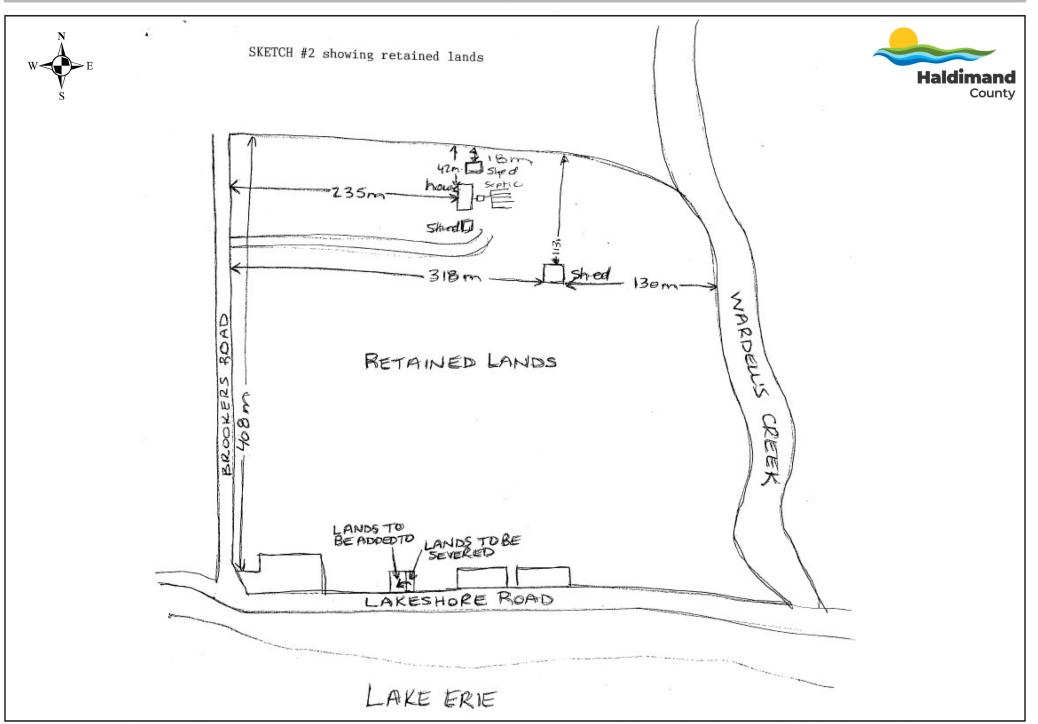
Fine Cale District

Fine Cale District

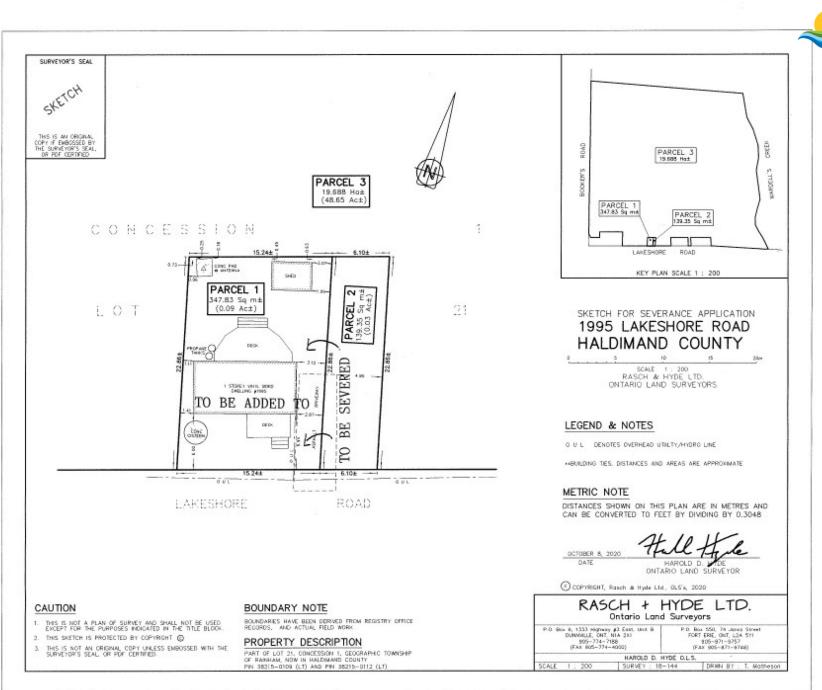
TOWNSEND

TOWN

Owner's Sketch 1 of 2 FILE #PLB-2020-182 APPLICANT: McCallum



Owner's Sketch 2 of 2 FILE #PLB-2020-182 APPLICANT: McCallum



SKETCH showing



HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Consent

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLB-2020-184

PROPERTY ROLL NO: 2810-153-005-02300

APPLICANT: Diane Elaine and Thomas Frederick Peart

AGENT: C. Edward McCarthy

PROPERTY LOCATION: Part of William Cook Block, Geographic Township of Oneida, known

municipally as 3355 River Road

PROPOSAL: The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 54.87 metres (180.02 feet) and will contain an area of approximately 0.55 hectares (1.37 acres). The retained parcel will contain an area of approximately 38.5 hectares (95.1 acres).

RECOMMENDATION:

That application PLB-2020-184, in the name of Diane and Thomas Peart, is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the intent and purpose of the Haldimand County Zoning By-law 1-2020. Therefore, planning staff recommends approval of the proposal subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT (PPS): The PPS requires municipalities to protect prime agricultural areas for long-term use for agriculture. Notwithstanding this policy, the PPS permits lot creation n prime agricultural areas under very limited circumstances including the creation of a surplus farm dwelling lot. Surplus farm dwelling severances are permitted provided that the new lot is limited to the minimum size needed to accommodate the use and appropriate sewage and water works and the retained farmlands are rezoned to prohibit new residential dwellings

on any remnant parcel of farmland. It is planning staff's opinion that the proposal is consistent with the PPS.

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

'Agriculture'. The retained farmlands are predominately designated 'Agriculture'. A small portion on the west side of the subject lands is designated 'Riverine Hazard Lands'. The Haldimand County Official Plan (OP) permits surplus farm dwelling severances subject to a list of criteria. It is planning staff's opinion that the proposal conforms to the OP.

HALDIMAND COUNTY ZONING BY-LAW 1-2020: The surplus farm dwelling lot is zoned 'Agriculture (A)' Zone. The retained farm lands are predominately zoned 'Hazard Lands (HL)' Zone with some 'Agriculture (A)' Zone. The surplus farm dwelling lot is less than 0.6hectares (1.5 acres) in size such that the retained farmlands will automatically be rezoned to remove a dwelling as a permitted use on the retained farmlands. It is planning staff's opinion that the proposal conforms to the Zoning By-law.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: There are no livestock buildings on the subject lands, such that there are no Minimum Distance Separation requirements or conflicts.

SITE FEATURES: The property is located on the west side of River Road, south on Broad Road. A single detached dwelling, farm buildings and accessory structures are present on the subject lands. The farm lands are used in the cultivation of cash crops.

SURROUNDING LANDS:

NORTH – Grand River EAST – Agriculture WEST – Agriculture SOUTH – Agriculture

AGENCY & PUBLIC COMMENTS

that any septic systems are contained within the parcels to which they serve and within the required setbacks. Confirmation that any other services are contained within the parcels to which they serve. i.e. Hydro, water, ground source heating loop, wells, networking. Confirmation that any underground drainage systems are contained within the parcels to which they serve. i.e. Municipal drains, field drainage system. That a civic address be assigned to both the severed lands and retained lands. Confirmation that the existing accessory structure meets the required setback. Must meet MDSI setbacks.

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

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:

The PPS requires municipalities to protect prime agricultural areas for long-term use for agriculture. The PPS discourages lot creation in prime agricultural areas and only permits it in very limited circumstances, including lot creation for a residence surplus to a farming operation as a result of farm consolidation. The PPS requires that the surplus farm dwelling lot is limited to the minimum size needed to accommodate the use and appropriate sewage and water services and that new residential dwellings are prohibited on retained farmlands. The surplus farm dwelling lot is an appropriate size, as it has been limited in size to contain the driveway, dwelling, and services.

The OP further policy direction on surplus farm dwelling severances. The OP states that a severance may be granted for a habitable dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling, made surplus through farm amalgamation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new residential dwelling shall be permitted on the retained farmlands. To ensure this, a zoning by-law amendment will be required that specifically excludes a dwelling from being permitted on the retained farmland. If the title of the retained parcel is merged with the title of an adjacent farm holding, the zoning by-law amendment will restrict a new residential dwelling on the retained farmlands will not be required.

Planning Comment: The applicants submitted a Declaration of Habitability (DOH) as part of the complete application package. The applicants declare through the DOH that the existing dwelling is habitable. According to the knowledge of the applicant, the dwelling was constructed in 1900. The surplus farm dwelling lot will be 0.55 hectares (1.35 acres)

in size such that the retained farmlands will automatically be rezoned to remove a dwelling as a permitted use.

Further, the OP permits the creation of a surplus farm dwelling lot subject to the following:

a) The severance shall generally be 0.5 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production. Consideration of varying the size of the parcel includes ensuring farm fields are not fragmented, environmental or topographic features are recognized and the location of the surplus farm dwelling in relation to the existing farm buildings and structures;

Planning Comment: The surplus farm dwelling lot is proposed to be 0.55 hectares (1.35 acres) in size. The proposal conforms to this criterion.

- b) No severance shall be granted unless the proposed lot can be serviced by an on-site sanitary system designed and installed as per the *Ontario Building Code (OBC)*;
 - **Planning Comment:** A septic evaluation will be required as a condition of consent to ensure the septic system is fully contained on the surplus farm dwelling lot, that it meets the required setbacks as per the *OBC*, and that it is functioning.
- 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 remaining farmlands;
 - **Planning Comment:** The severance is not expected to have a significant negative affect on the operation or viability of the farm operation on the retained farmlands. A road entrance permit will be required to ensure that there is access to the retained farmlands before the surplus farm dwelling lot is severed from the farmlands.
- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted;
 - **Planning Comment:** There are no livestock buildings on the subject lands. As such, there are no Minimum Separation Distance requirements or conflicts.
- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;
 - **Planning Comment:** There are no licensed pits and quarries in proximity to the subject lands.
- f) The lot created by severance shall be located with safe and direct access to a permanently

maintained public road; and

Planning Comment: The remnant farm parcel will have frontage on both Broad Road and River Road. The surplus farm dwelling lot will retain the exiting driveway from Highway 3 Road to the dwelling. A new entrance will be required to service the retained farmlands.

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

Planning Comment: No concerns.

Overall, 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 intent and purpose of the Haldimand County Zoning By-law 1-2020. Therefore, planning staff recommends approval of the proposal subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: The sign was erected as of February 8, 2021, as verified by the agent.

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 \$308.00 for deed stamping.
- 2. That a septic evaluation for severed parcel be completed and <u>submitted to the Secretary-Treasurer</u>, 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 a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification.
- 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 parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
- 6. That all buildings located on the retained lands be decommissioned from livestock use, or must meet MDS I setbacks 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, or in compliance to MDS I, for an inspection of the property. Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
- 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, with a frontage of approximately 54.87 metres (180.02 feet) and will contain an area of approximately 0.55 hectares (1.37 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

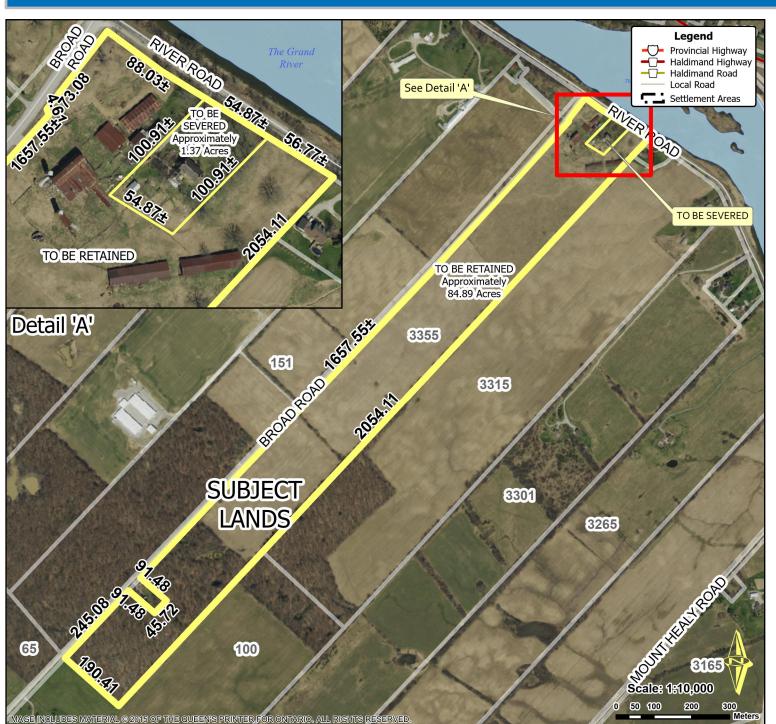
Datum: D_North_American_1983

Prime Meridian: Greenwich Angular Unit: Degree

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 23, 2022, after which time this consent will lapse.

File No. PLB-2020-184
PEART, Diane Elaine and Thomas Frederick
Assessment Roll No. 2810-153-005-02300

Location Map FILE #PLB-2020-184 APPLICANT: Peart





Location:

3355 RIVER ROAD GEOGRAPHIC TOWNSHIP OF ONEIDA WARD 4

Legal Description:

OND BLK COOK WM PT

Property Assessment Number:

2810 153 005 02300 0000

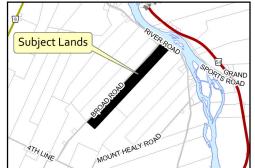
Size:

86.26 Acres

Zoning:

A (Agricultural)

HALDIMAND COUNTY, IT'S 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 IN



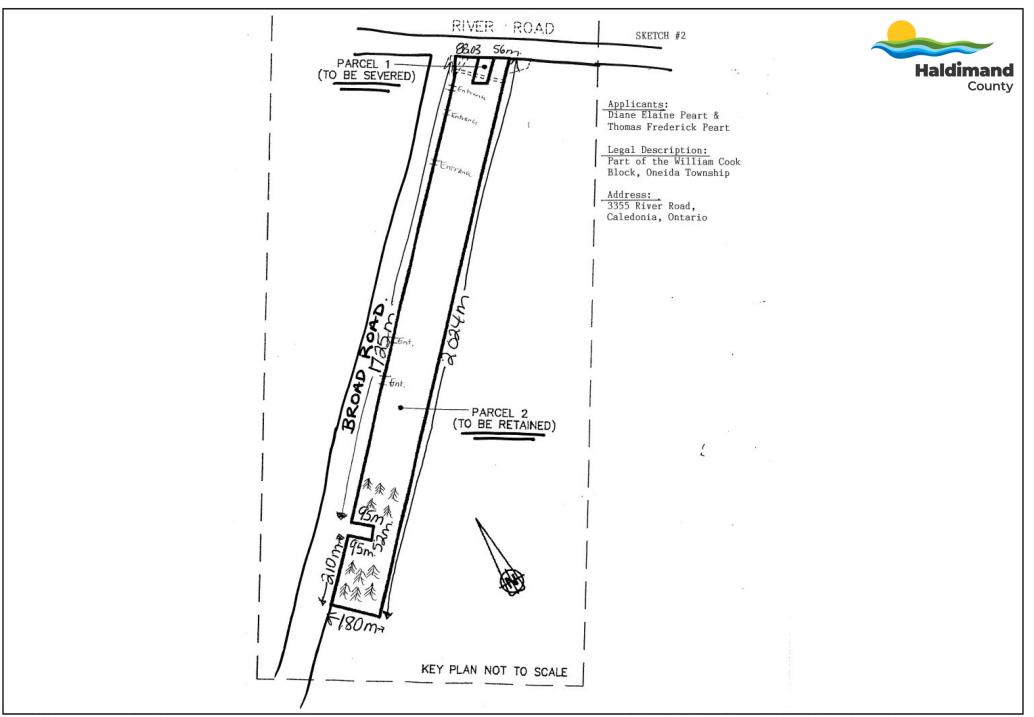


Owner's Sketch 1 of 2 FILE #PLB-2020-184 APPLICANT: Peart





Owner's Sketch 2 of 2 FILE #PLB-2020-184 APPLICANT: Peart





HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Consent

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLB-2021-002 and PLB-2021-003

PROPERTY ROLL NO: 2810-153-004-01384 and 2810-153-004-01380

APPLICANT: Ron Winegard & Harrison Flats Inc.

AGENT: Catherine Jeske

PROPERTY LOCATION: Range West of Townsend Road, Part Lot 1, Registered Plan

18R7734 Parts 1, 2, 3 And 4, Urban Area of Caledonia, Geographic Township of Oneida, known municipally as 59 and 61 Haddington

Street

PROPOSAL: The applicant proposes to sever two lots containing four (4) existing semi-detached dwelling units. In **PLB-2021-002**, the severed land will measure approximately 11.05 metres (36.25 feet) by 45.71 metres (150 feet) and will containing an area of approximately 0.05 hectares (0.125 acres), while the retained parcel will measure approximately 10.85 metres (36 feet) by 45.72 metres (150 feet) and will containing an area of approximately 0.05 hectares (0.125 acres). In **PLB-2021-003**, both the severed and retained parcels will measure approximately 11.05 metres (36.25 feet) by 45.71 metres (150 feet) and will containing an area of approximately 0.05 hectares (0.125 acres).

RECOMMENDATION:

That applications PLB-2021-002 and PLB-2021-003, in the names of Ron Winegard and Harrison Flats 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 Haldimand County Zoning By-law HC 1-2020. Therefore, planning staff recommends approval of the proposal subject to the attached conditions.

ANALYSIS SUMMARY

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

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

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

HALDIMAND COUNTY ZONING BY-LAW HC-1 2020: The subject lands are zoned 'Urban Residential Type 2 (R2). The R2 zone permits semi-detached dwellings and the related severances. No additional zoning deficiencies have been identified. The proposal conforms to Haldimand County's Zoning By-law HC-1 2020.

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

SITE FEATURES: The subject lands contain two semi-detached dwellings (one on each existing lot to be severed).

SURROUNDING LANDS:

NORTH – Haldimand County library, arena and baseball diamond.

EAST – Four-storey residential building (Harrison Flats) and a high school.

WEST – Low-density residential followed by commercial.

SOUTH – Low density residential.

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Entrance permits required for the severed parcels.

HYDRO ONE: No comments/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 subject lands are located within the Town of Caledonia and the severances are proposed to create separate ownerships for each semi-detached unit (4). Severances for residential uses are permitted within Haldimand County's settlement areas, like Caledonia. 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 and retained lands meet the minimum zone provisions of the R2 Zone. The proposed severances are intended to create separate ownerships for each semi-detached unit (four in total). The sizes of the proposed severed and retained lands is appropriate and maintain the intent of the official plan and zoning by-law.

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 servicing policies requires development within settlement areas to connect to municipal services. The existing semi-detached dwellings are currently connect to municipal services.

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 Haddington Street 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 two new lots are being proposed.

Overall, it is planning staff's opinion that the proposals are consistent with the Provincial Policy Statement (2020), complies with the Province's Growth Plan (2020), conforms to the Haldimand County Official Plan and meets the intent and purpose of Haldimand County's Zoning By-law HC 1-2020. Therefore, planning staff recommends that these applications 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: On February 4, the applicant confirmed, via email, that a public notice sign had been posted.

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 \$308.00 for deed stamping.
- 2. 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.
- 3. 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.
- 4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 23, 2022, after which time this consent will lapse.

File No. PLB-2021-002 WINEGARD, Ron & HARRISON FLATS INC. Assessment Roll No. 2810-153-004-01384

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 \$308.00 for deed stamping.
- 2. 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.
- 3. 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.
- 4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 23, 2022, after which time this consent will lapse.

File No. PLB-2021-003
WINEGARD, Ron & HARRISON FLATS INC.
Assessment Roll No. 2810-153-004-01380

Location Map FILE #PLB-2021-002 & 003 APPLICANT: Winegard - Harrison Flats





Location:

59 & 61 HADDINGTON STREET URBAN AREA OF CALEDONIA WARD 3

Legal Description:

ONEIDA RANGE W TOWNSEND RD PT LOT 1 RP 18R7734 PARTS 1, 2, 3 AND 4

<u>Property Assessment Number:</u>
2810 153 004 01384 0000 &

2810 153 004 01380 0000

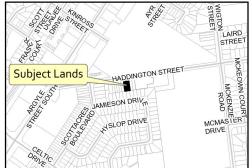
Size:

0.5 Acres

Zoning:

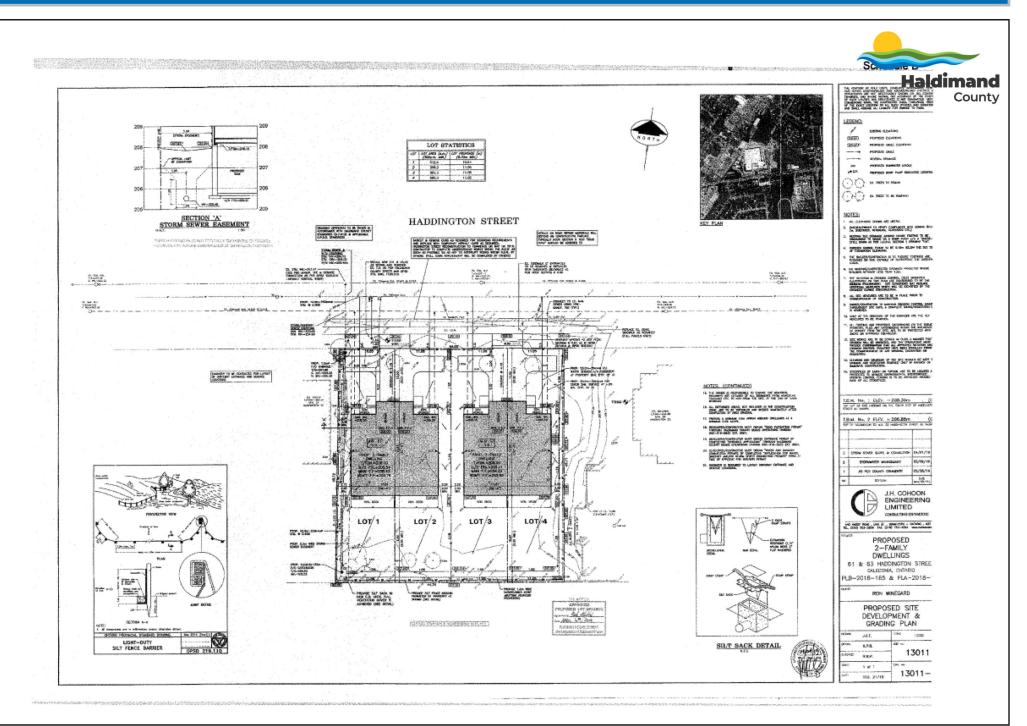
R2 (Urban Residential Type 2)

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Owner's Sketch FILE #PLB-2021-002 & 003 APPLICANT: Winegard - Harrison Flats





HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Minor Variance

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLA-2020-180

PROPERTY ROLL NO: 2810-330-020-21200

APPLICANT: 2574534 Ontario Inc.

AGENT: Alida and David Eigenbrood

PROPERTY LOCATION: Concession 4, Part Lots 22, 23 and 24, Geographic Township of

Woodhouse, known municipally as 2170 Highway 6.

PROPOSAL: Relief is requested from the provisions of the Light Industrial (ML) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the expansion of a legal non-conforming use to allow for the construction of a chicken barn, expanded manure storage and a farm storage workshop.

RECOMMENDATION

That proposal PLA-2020-180, in the names of Alida and David Eigenbrood is consistent with the Provincial Policy Statement (2020) and is in general keeping with the intent and purpose of the Official Plan and Zoning By-law. The proposal is n considered minor in nature and appropriate development of the lands; therefore, Planning staff recommends that this application be approved.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The proposal complies.

PLACES TO GROW: The proposal complies.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The property is designated Urban Industrial in the Official Plan.

HALDIMAND COUNTY ZONING BY-LAW HC-1 2020: The property is zoned Light Industrial (ML).

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Chicken barn currently operates on the subject lands.

SITE FEATURES: The subject lands front onto the east side of Highway 6 and north of Lynn Valley Road. Nanticoke Creek runs through the property. a single detached dwelling and chicken barn are located on the property.

SURROUNDING LAND USES:

NORTH – Agricultural EAST – Agricultural WEST – Agricultural SOUTH – Agricultural

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: Building permit is required. MDSII calculation and nutrient management plan required.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No comments received.

HYDRO ONE: No comments received.

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 property is designated 'Industrial', with site-specific policy Nant. 20 – which permits that a single detached dwelling may be permitted on an interim basis. Additionally, the lands fall within the Industrial Influence Area. The Industrial designation

is intended for land extensive and intensive uses including industrial, warehousing and logistical operations. However, the Official Plan does allows for the extension or enlargement of existing non-conforming uses provided that the proposed extension does not unduly aggravate an incompatible situation, the neighbouring conforming uses are protected, and an environmental impact study, if necessary, is undertaken to protect natural environment areas. The proposal conforms to 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 'Light Industrial" (ML). The requested use is not permitted within the light industrial zone. However, there are provisions that permit the extension of legal non conforming uses. The long term intent of the area is industrial however, agricultural uses are still maintained in this area. Therefore the extension of the legal non conforming use is in general keeping with the intent of the Zoning by-law.

3. Is the proposal considered minor in nature?

Planning Comment: The proponent is proposing to expand the existing chicken barn and possible relocation or an expansion of the manure area. The request to expand the legal non conforming use is minor in nature has the MDS II calculations are met and will have no negative impact on surrounding land uses which are still agricultural in nature. No industrial uses will be impacted by the proposed expansion.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: For the reasons described above, the proposal is considered appropriate and compatible development.

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

NOTICE SIGN POSTED: The sign had not been posted during site visits. The applicant was not aware that the office was open to pick up the sign.

Prepared by:

Alicia West,

Planner

Location Map FILE #PLA-2020-180 APPLICANT: 2574534 Ontario Inc.





Location:

2170 HIGHWAY 6

GEOGRAPHIC TOWNSHIP OF WOODHOUSE WARD 1

Legal Description:

WDH CON 4 PT LOT 22 PT LOT 23 PT LOT 24

Property Assessment Number:

2810 330 020 21200 0000

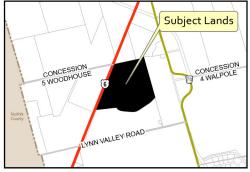
Size:

130 Acres

Zoning.

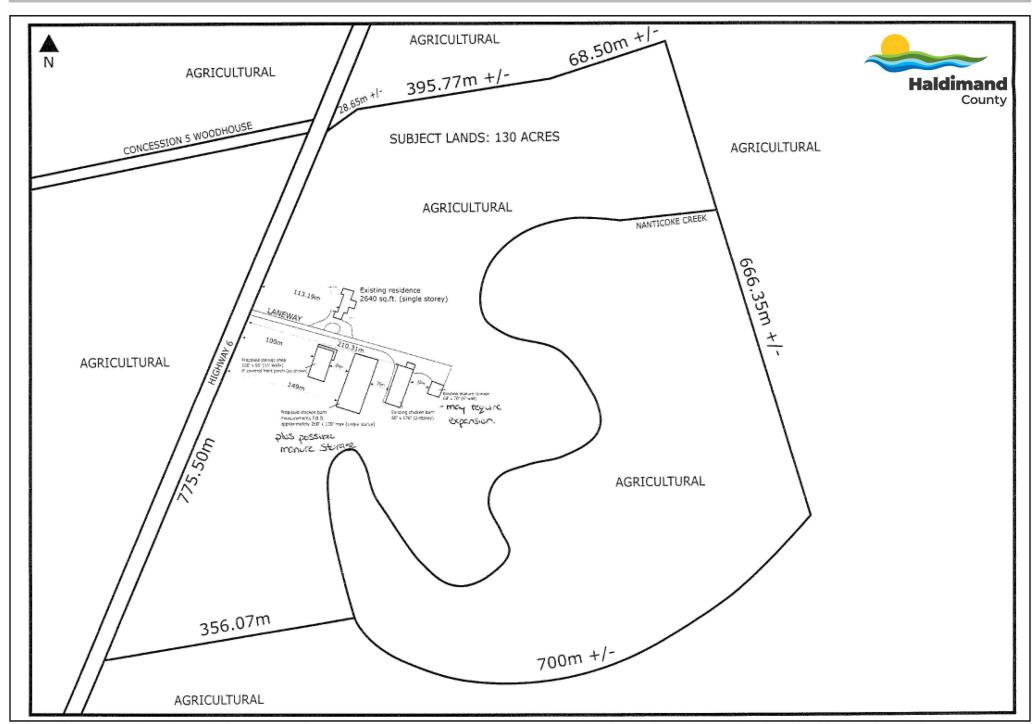
MP (Prestige Industrial), HL (Hazard Lands), MH (Heavy Industrial) & Special Provision MP-2

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Owner's Sketch FILE #PLA-2020-180 APPLICANT: 2574534 Ontario Inc.





HALDIMAND COUNTY COMMITTEE OF ADJUSTMENT Minor Variance

DETAILS OF THE SUBMISSION

MEETING DATE: February 23, 2021

FILE NO: PLA-2020-183

PROPERTY ROLL NO: 2810-023-005-02720

APPLICANT: Michael Vandervelde

AGENT: William DeJong

PROPERTY LOCATION: Concession 2 from Canborough, Part Lots 19 and 20, Registered Plan

18R6503 Parts 1 to 3, Geographic Township of Moulton, currently

without a civic address.

PROPOSAL: Relief is requested from the provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020 as shown below:

Development Standards	Required	Proposed	Deficiency
Interior Side Yard (right)	3 metres (9.84 feet)	1.78 metres (5.84 feet)	1.22 metres (4.00 feet)
Interior Side Yard (left)	3 metres (9.84 feet)	1.79 metres (5.87 feet)	1.21 metres (3.97 feet)

The relief is requested to permit the construction of a single family dwelling on the property.

RECOMMENDATION

That proposal PLA-2020-183, in the name of Michael Vandervelde is consistent with the Provincial Policy Statement (2020), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. It is also considered minor in nature, an appropriate development of the lands; therefore, Planning staff recommends that this application be approved, subject to the following condition;

1. The proposed development will be constructed substantially in accordance with the attached sketch.

ANALYSIS SUMMARY

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

PLACES TO GROW 2020: The proposal conforms to the Province's Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Agricultural' in Haldimand County's Official Plan. The Agricultural permits single detached dwellings.

HALDIMAND COUNTY ZONING BY-LAW HC 1-2020: The subject lands are Zoned 'Agricultural (A)'. The 'A' Zone permits a single detached dwelling.

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

SITE FEATURES: The subject lands are vacant and are paired with an existing cottage on the south-side of Lakeshore Road (the subject lands are one the north).

SURROUNDING LAND USES:

NORTH – Residential EAST – Agricultural

WEST – Residential

SOUTH – Agricultural

AGENCY & PUBLIC COMMENTS

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

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No comments

HYDRO ONE: No comments received.

NIAGARA PENINSULA CONSERVATION AUTHORITY: No objections. If any works are proposed within the NPCA regulated areas near Younge Road, then permits from the NPCA may be required.

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 "Agricultural' within Haldimand County's Official Plan. A Single detached dwellings are permitted within the deisgnation. 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 'Seasonal Residential'. The Seasonal Residential Zone permits accessory structure where a legal main use is permitted. In this case, the main use is on the opposite side of Lakeshore Road and is held in the same ownership. The lot containing the main use is limited in area and impacted by Lake Erie hazards, requiring the accessory structure to be constructed on the vacant lands across the street. The proposal maintains the general intent and purpose of the applicable Zoning By-law.

3. Is the proposal considered minor in nature?

Planning Comment: The proposal is to construct a single-storey steel structure that is the equivalent of a one car garage $(15' \times 30'/4.6 \times 9.2 \times 9.2)$ m. The proposal is minor in nature.

4. Is the proposal considered appropriate and compatible development?

Planning Comment: For the above-noted rationale, the proposal is considered appropriate and compatible development.

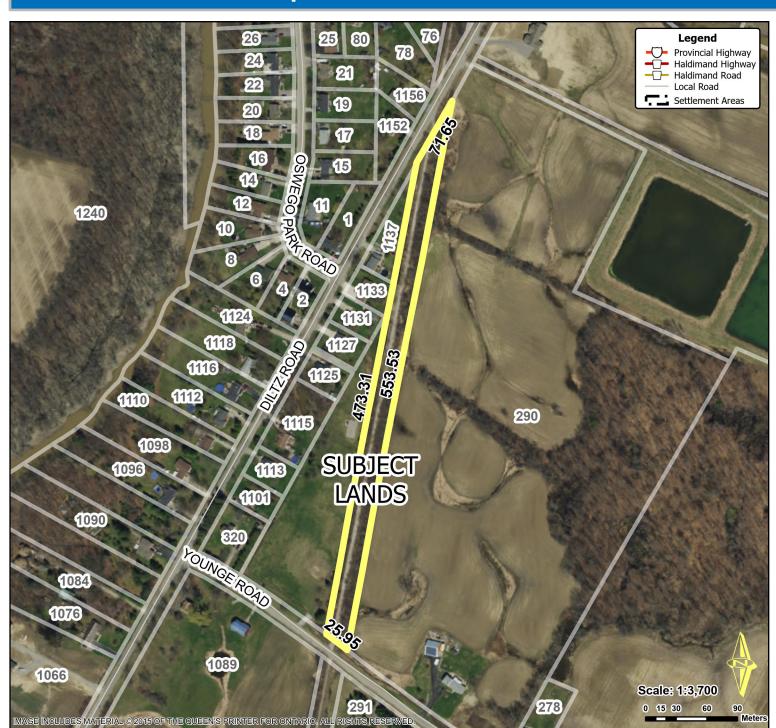
Based on the foregoing, it is planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2020) and Haldimand County Official Plan, and meets the general intent and purposes of the Town of Haldimand Zoning By-law 1-H 86.

NOTICE SIGN POSTED: Sign was erected as of January 25, 2021, as verified by the agent.

Prepared by:

Alicia West, Planner

Location Map FILE #PLA-2020-183 APPLICANT: Vandervelde





Location:

YOUNG ROAD GEOGRAPHIC TOWNSHIP OF MOULTON WARD 5

Legal Description:

MOULTON CON 2 FC PT LOTS 19 AND 20 RP 18R6503 PARTS 1 TO 3

Property Assessment Number:

2810 023 005 02720 0000

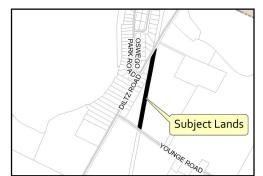
Size:

2.9 Acres

Zoning:

A (Agricultural)

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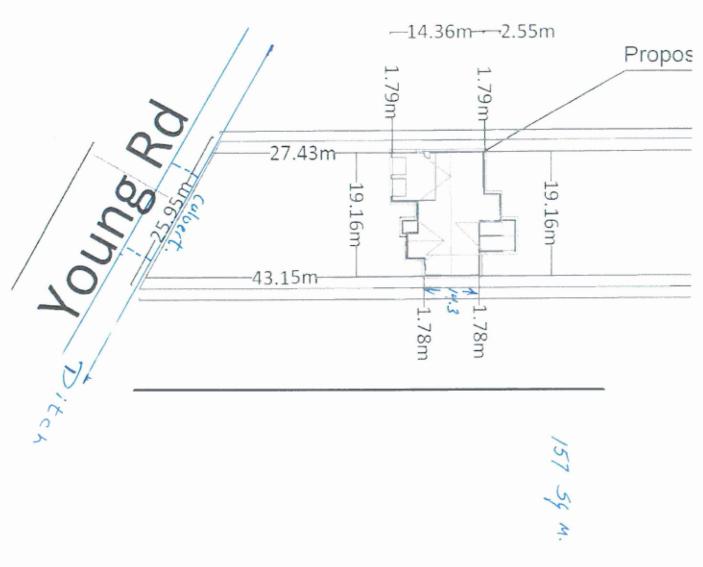




Owner's Sketch 1 of 2 FILE #PLA-2020-183 APPLICANT: Vandervelde







Owner's Sketch 2 of 2 FILE #PLA-2020-183 APPLICANT: Vandervelde

