



## Haldimand County Committee of Adjustment Consent

**Meeting Date:** August 17, 2021

**File Number:** PLB-2021-126

**Property Roll Number:** 2810-332-005-01580

**Applicant:** Maxine, Barbara and Lorraine Montague

**Agent:** David Roe, Civic Planning Solutions

**Property Location:** Concession 8, Part Lots 9-12, Registered Plan18R5364  
Parts 1 to 4, Registered Plan18R5365 Parts 1 to 4,  
Geographic Township of Walpole, no civic address

### Recommendation

That application PLB-2021-126 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

### Details of the Submission

**Proposal:** The application proposes to sever an approximately 2.43 hectare (6.02 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 2471 Highway 3 (Roll Number 2810.332.005.02500) to add property to the benefitting lands.

**Site Features and Land Use:** The subject lands are a former rail line with frontage on Sandusk Road. The property is located at the corner of Sandusk Road and Concession 8 Walpole extending away from the intersection behind the lands fronting on Concession 8 Walpole. The lands are currently vacant, made up of a mix of treed areas and open lands.

**Existing Intensive Livestock Operations:** Not applicable.

### Agency & Public Comments

**Haldimand County Building & Municipal Enforcement Services:** No comments. However, if it is to be built upon we would require a Record of Site Condition.

**Haldimand County Planning & Development Services – Development & Design Technologist:** No comments or concerns.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Long Point Region Conservation Authority:** LPRCA has no concerns with the application.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## **Planning Analysis**

### **Provincial Policy Statement, 2020 (PPS)**

The Provincial Policy Statement (PPS) regulates lot adjustments in Prime Agricultural Areas under section 2.3.4. Specifically, section 2.3.4.2 states, “Lot adjustments in Prime Agricultural Areas may be permitted for legal or technical reasons”. The PPS definition for “legal or technical reasons” includes minor boundary adjustments that do not result in a new lot. The proposed boundary adjustment will connect two parcels of land that are currently bisected by the former rail line and will provide access to the lands to the south from Concession 8 Walpole. The subject application will not result in the creation of a new lot.

The subject application conforms to the PPS.

### **A Place to Grow, 2020**

A Place to Grow does not provide any guidance on minor boundary adjustments in Prime Agricultural Areas. As such, the proposal conforms to A Place to Grow.

### **Haldimand County Official Plan (OP)**

The Haldimand County Official Plan reflects the policies of the PPS and permits severances for legal and technical reasons, including minor boundary adjustments, that do not result in the creation of an additional lot or compromise the functionality or viability of the agricultural lands. The subject application will not result in the creation of a new lot. Further, the boundary adjustment will increase the functionality and viability of the adjacent agricultural lands by improving access.

The subject application conforms to the Haldimand County Official Plan.

### **Haldimand County Zoning By-law HC 1-2020**

The subject lands are zoned 'Agricultural (A)' Zone. The proposal complies with the Zoning By-law provisions. The severed portion of subject lands will be merged with abutting property as a condition of consent. As the subject lands were previously used as a rail line a record of site condition is required prior to establishing a more sensitive land use on the property. As a condition of consent, an application to apply a holding provision to the property shall be required. The holding provision will require a record of site condition prior to development or the establishment of a more sensitive land use on the subject land.

The subject application complies with the provisions of the Zoning By-law.

### **Notice Sign, Public Consultation, and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 30, 2021.

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

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208



***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 \$308.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by John Nicholas and Leo Cornelius Montague. and further identified as Roll # 2810-332-005-02500, if required.
2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That the severed parcels become part and parcel of the abutting lands presently owned by John Nicholas and Leo Cornelius Montague and further identified as Roll # 2810-332-005-02500.
4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
5. That the owner make a formal submission and receive approval for placing an Holding provision on the subject lands until such a time a Record of Site Condition can be 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 0.73 hectare (1.8 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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 August 17, 2022, after which time this consent will lapse.

***File No. PLB-2021-126***  
***MONTAGUE, Maxine, Barbara and Lorraine***  
***Assessment Roll No. 2810-332-005-01580***

# Location Map FILE #PLB-2021-126 APPLICANT: Montague



Location:  
**GEOGRAPHIC TOWNSHIP OF WALPOLE  
WARD 1**

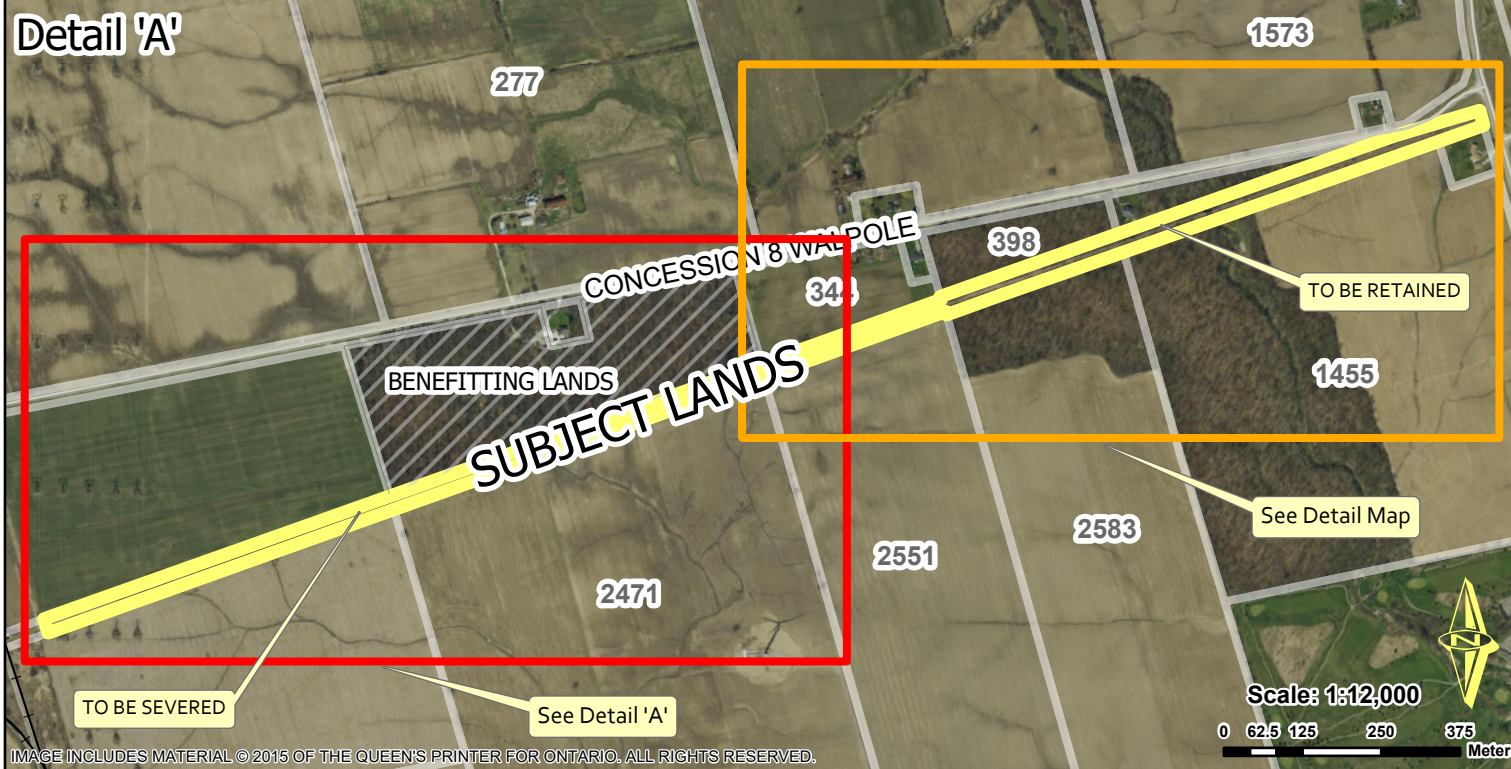
Legal Description:  
**WAL CON 8 PT LOTS 9-12 RP 37R5365  
PARTS 1-4 RP 37R5364 PARTS 1-4**

Property Assessment Number:  
**2810 332 005 01580 0000**

Size:  
**10.35 Acres**

Zoning:  
**A (Agricultural) & HL (Hazard Land) Overlay**

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**Legend**

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

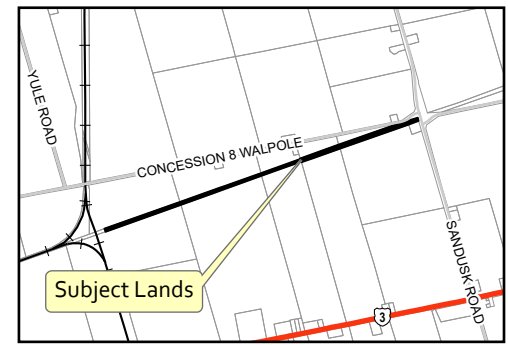
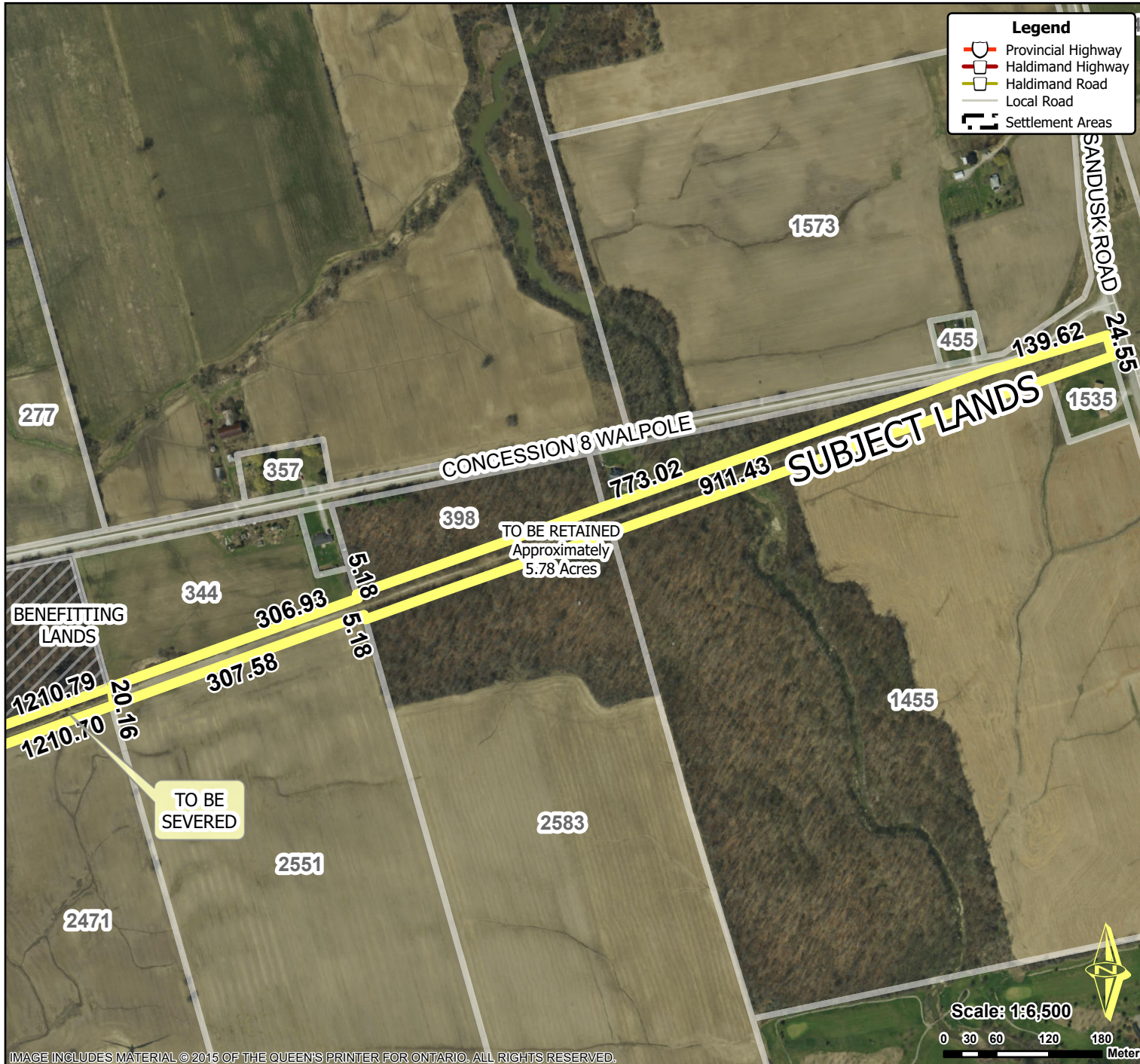


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# Detail Map FILE #PLB-2021-126 APPLICANT: Montague



**Location:**  
GEOGRAPHIC TOWNSHIP OF WALPOLE  
WARD 1

**Legal Description:**  
WAL CON 8 PT LOTS 9-12 RP 37R5365  
PARTS 1-4 RP 37R5364 PARTS 1-4

**Property Assessment Number:**  
2810 332 005 01580 0000

**Size:**  
10.35 Acres

**Zoning:**  
A (Agricultural) & HL (Hazard Land) Overlay

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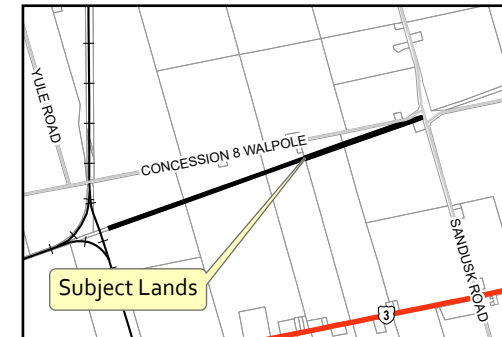
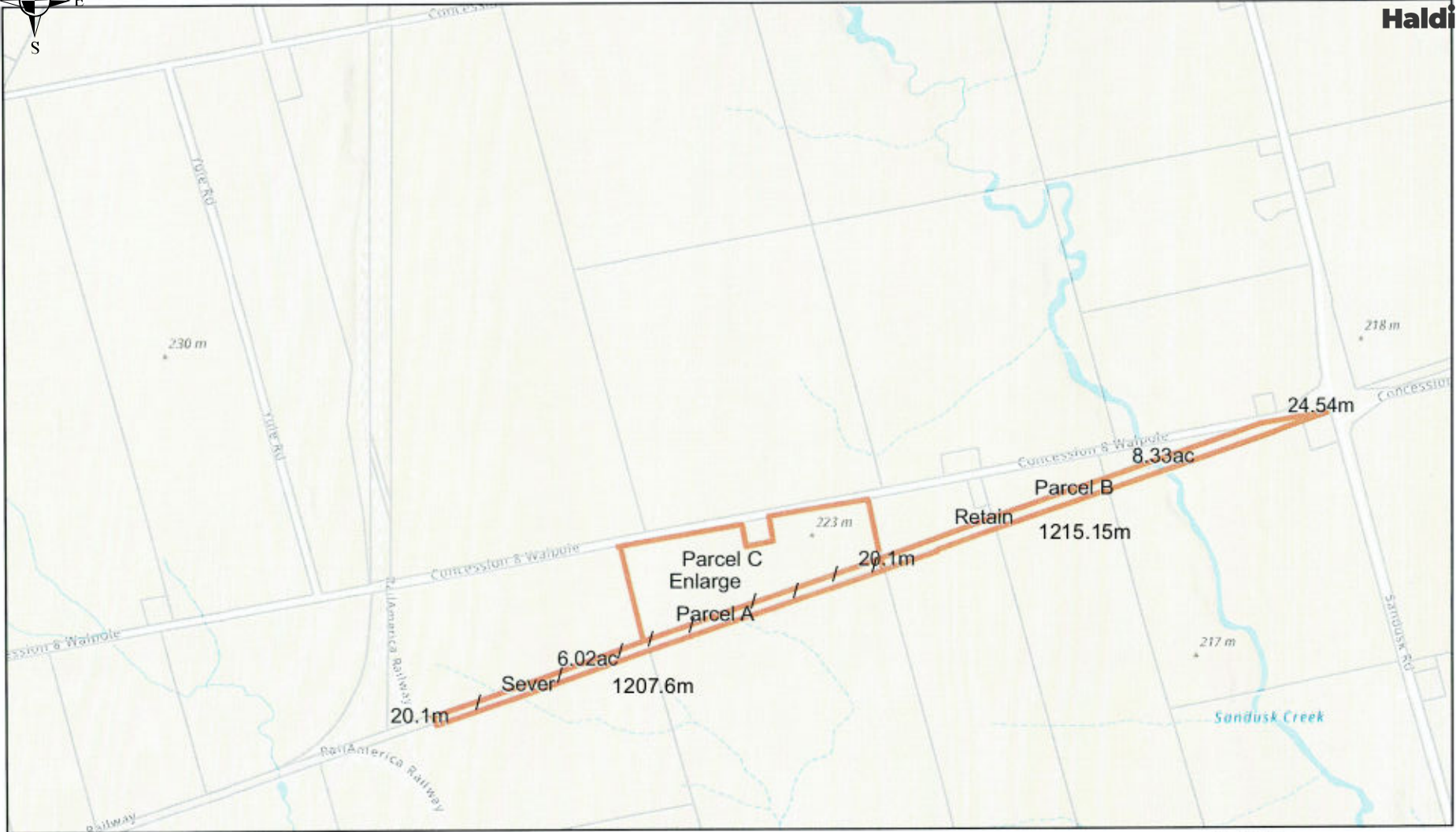


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# Owner's Sketch FILE #PLB-2021-126 APPLICANT: Montague



ArcGIS Web Map

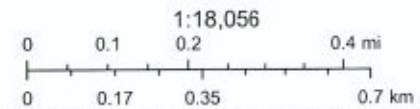


4/30/2021, 1:49:37 PM

— Override 1

//// Sever

□ Parcels



Esri, NASA, NGA, USGS, FEMA, none, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

Esri, NASA, NGA, USGS, FEMA | Haldimand County, Province of Ontario, Parks Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, NPS, US Census Bureau, USDA, NRCAN | none |





## Haldimand County Committee of Adjustment Consent

**Meeting Date:** August 17, 2021  
**File Number:** PLB-2021-129  
**Property Roll Number:** 2810-022-002-00410  
**Applicant:** Don and Darlene Mans  
**Agent:** Roger Egger  
**Property Location:** Indian Reserve, Part Lot 1, Geographic Township of Canborough, known municipally as 65 Robinson Road

### Recommendation

That application PLB-2021-129 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

### Details of the Submission

**Proposal:** The application proposes to sever an approximately 0.73 hectare (1.8 acre) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 85 Robinson Road (Roll Number 2810.022.003.00100) to add property to the existing agricultural implement business.

**Site Features and Land Use:** The lands to be severed are currently vacant and is located alongside the existing agricultural business in an agricultural area of the County. The subject lands currently contain a dwelling and an accessory structure. The lands to be adjusted have 22.86 metres (75 feet) of frontage on the west side of Robinson Road, and are 0.71 hectares (1.76 acres) in size.

**Existing Intensive Livestock Operations:** Not applicable.

### Agency & Public Comments

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** No comments or concerns.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:**

**Grand River Conservation Authority:** The Grand River Conservation Authority (GRCA) recommends deferral of this consent application to allow the applicant the opportunity to provide an Environmental Impact Study (EIS) to address applicable policies. However, if the County considers approval of this application, the GRCA requests that the satisfactory EIS be made a condition of approval.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## **Planning Analysis**

### **Provincial Policy Statement, 2020 (PPS)**

The subject application is proposing to boundary adjust agricultural lands to the abutting agriculture related business. The intent is to use the lands as a staging and demonstration area for agricultural equipment.

Section 2.3.3.1 of the PPS permits agricultural related uses that are compatible with surrounding agricultural operations in prime agricultural areas. The proposed use for the lands qualifies as an agricultural related use and is permitted by the PPS.

Section 2.3.4 of the PPS outline the policies relating to Lot Creation and Lot Adjustments in Prime Agricultural Areas. Section 2.3.4.1 (b) permits lot creation for agricultural related uses, provided any new lot will be limited to a minimum size to accommodate the use and appropriate sewage and water services. The subject application will not result in a new lot, however the intent is to provide space to accommodate an agricultural related use.

Further section 2.3.4.2 permits lot adjustments in prime agricultural area for legal or technical reasons. Legal or technical reasons includes minor boundary adjustments that

do not result in new lots being created. Planning staff are satisfied that the subject application represents a minor boundary adjustment, and will not result in lot creation.

It is Planning staff's opinion the subject application is consistent with the PPS.

### **A Place to Grow, 2020**

The A Place to Grow policies speak to the long-term protection of agricultural areas and the strengthening of the agricultural system. The subject application will facilitate the use of the lands for an agricultural related use.

It is Planning staff's opinion the subject application conforms to A Place to Grow.

### **Haldimand County Official Plan (OP)**

The subject lands and the benefitting lands are designated 'Agricultural' in the Haldimand County Official Plan. The Official Plan permits severances for legal or technical reasons, including minor boundary adjustments so long as the viability and functionality of a farm is not impacted. The subject application represents a minor boundary adjustment to accommodate an agricultural related use, that will not impact the long term functionality or viability of area farms.

Both the subject lands and the benefitting lands are impacted by the Riverine Hazard and Provincially Significant Wetland overlays. Through consultation with the GRCA an EIS completed to their satisfaction is required as a condition of consent.

It is Planning staff's opinion the subject application conforms to the Official Plan.

### **Haldimand County Zoning By-law HC 1-2020**

The benefitting lands are zoned 'Rural Commercial (CR)' Zone, which permits an agricultural service and supply establishment. The lands proposed to be adjusted will accommodate a demonstration and staging area for equipment as part of the existing use on the property.

Both the subject lands and retained lands will comply with the required provisions of the Zoning by-law.

### **Notice Sign, Public Consultation, and Applicant Discussion**

According to the agent, a public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 14, 2021.

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



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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

***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 \$308.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by Roger Ernest Egger and further identified as Roll # 2810-022-003-00100, if required.
2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. That the severed parcels become part and parcel of the abutting lands presently owned by Roger Ernest Egger and further identified as Roll # 2810-022-003-00100.
4. That an Environmental Impact Study (EIS) be submitted to the Planning and Development Division and the Grand River Conservation Authority prior to the signing of the certificate. Contact the Planner at 905-318-5932 ext. 6202, or the Grand River Conservation Authority for further 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 and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
6. 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 0.73 hectare (1.8 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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 August 17, 2022, after which time this consent will lapse.

***File No. PLB-2021-129***  
***MANS, Don and Darlene***  
***Assessment Roll No. 2810-022-002-00410***

# Location Map FILE #PLB-2021-129 APPLICANT: Mans



**Location:**  
**65 ROBINSON ROAD**  
**GEOGRAPHIC TOWNSHIP OF**  
**CANBOROUGH**  
**WARD 6**

**Legal Description:**  
**CAN RESERVE IND PT LOT 1**

**Property Assessment Number:**  
**2810 022 002 00410 0000**

**Size:**  
**11.8 Acres**

**Zoning:**  
**A (Agricultural), W (Wetland) & HL (Hazard Land) Overlay**

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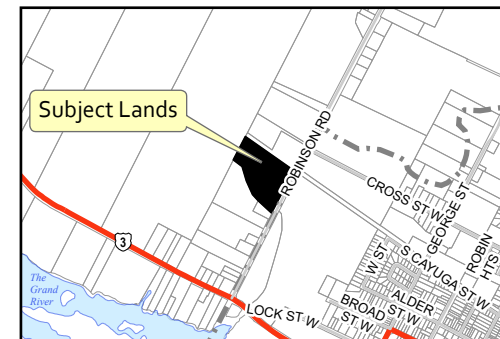
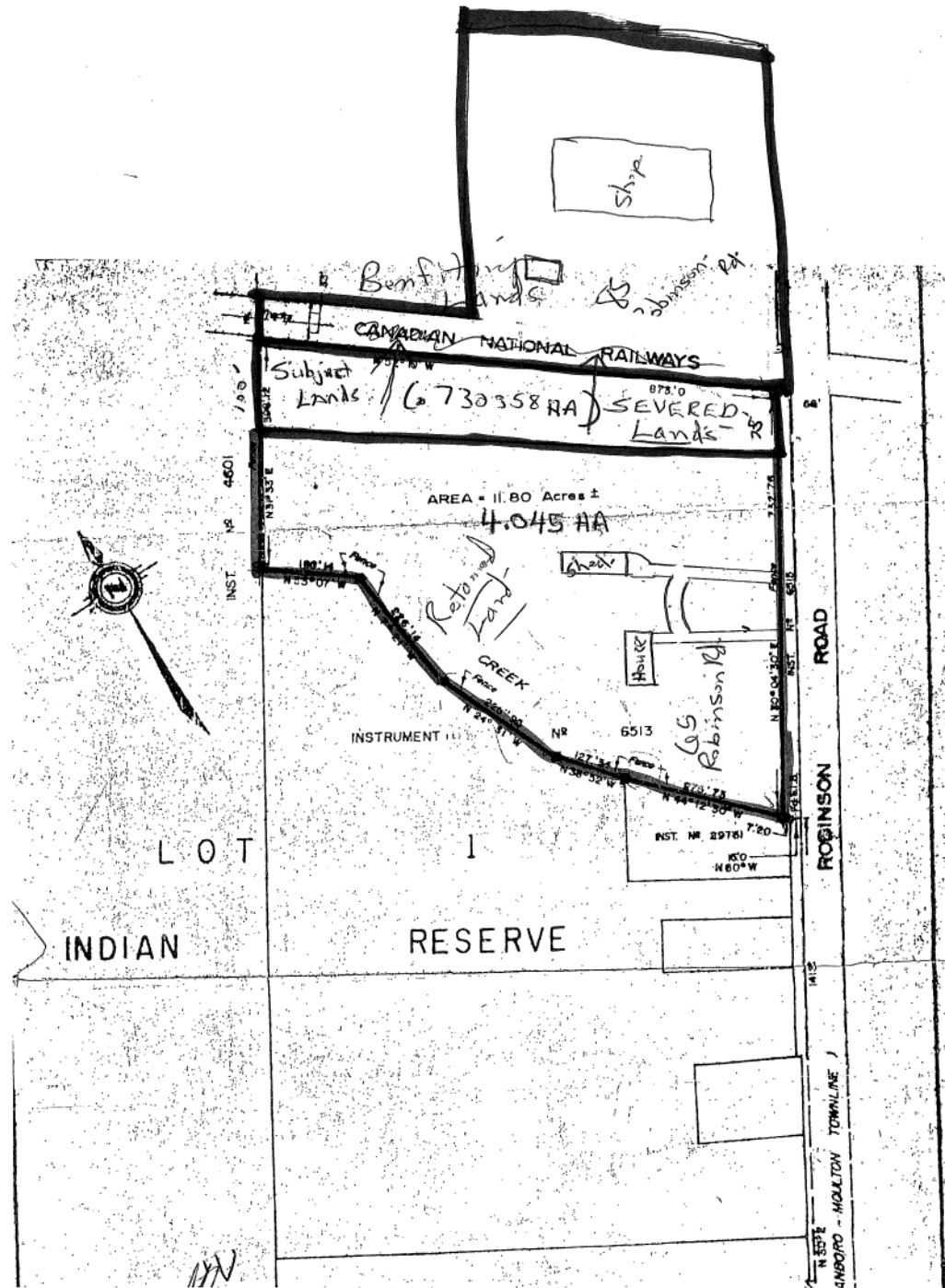


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# Owner's Sketch FILE #PLB-2021-129 APPLICANT: Mans





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 17, 2021  
**File Number:** PLA-2021-113  
**Property Roll Number:** 2810-021-002-49100  
**Applicant:** Ronald Glenn, Juliet & Rory Root and Katherine LaDota  
**Agent:** Steve Greenwood  
**Property Location:** Concession 5 South of Dover Road, Part Lot 12,  
Geographic Township of Dunn, known municipally as 3  
Marshall Road

### Recommendation

That application PLA-2021-113 be approved, subject to the following condition:

1. Approval from the County for a full lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409

The application meets the four tests of a minor variance and represents appropriate expansion of an existing legal non-conforming use.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Lakeshore Residential (RL) and Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Area	1855 square metres (19967 square feet)	1703.22 square metres (18333 square feet)	151.78 square metres (1634 square feet)
Front Yard Setback	13 metres (42.7 feet)	2.16 metres (7.1 feet)	10.84 metres (35.6 feet)
Interior Side Yard (right)	1.2 metres (3.94 feet)	1.18 metres (3.87 feet)	0.02 metres (0.07 feet)

Frontage on an Improved Street	Required	Located on a Private Lane	Located on a Private Lane
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The relief is requested to permit the renovation and relocation of the existing cottage on the property.

**Site Features and Land Use:** The subject lands are located in the Lakeshore Area of the County in the geographic township of Dunn. The subject lands are accessed from a private road at the end of Marshall Road and have frontage along Lake Erie. The subject lands have an area of 0.18 hectares (0.46 acres) with 33.04 metres (108.4 feet) of frontage along an unnamed private road. The surrounding land uses include two additional vacation dwellings on the same private road and large areas of vacant land with various environmental features and hazards.

**Existing Intensive Livestock Operations:** Not applicable.

## Agency & Public Comments

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** Full lot grading plan required.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Grand River Conservation Authority:** No objections.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Is the application minor?

**Planning staff comment:** The subject application is proposing to remove the existing cottage on the property and construct a new cottage in another location. The proposed location was selected in consultation with the Grand River Conservation Authority (GRCA) to ensure the entirety of the building footprint could be located outside of the Dynamic Beach Hazard associated with the shoreline in this area. The intent of a required front yard setback is to ensure safe separation between structures and the travelled road as well as to ensure sufficient space for vehicle parking. In this case the road is a small private road that functions like a driveway servicing the subject lands and two additional cottages. Additionally, the lot has ample space to accommodate parking that will not interfere with the private roadway. The intent of a required interior side yard is to ensure separation between structures on adjacent lot and to provide space to construct and maintain the structure without trespassing. The adjacent property is currently vacant, and the proposed reduction will not limit access around the building.

It is Planning staff's opinion that the subject application is minor.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** The subject lands currently contain a vacation dwelling and the subject application will continue the existing use. The proposed relief is required to accommodate the footprint of the structure outside of the dynamic beach hazard on the property.

It is Planning staff's opinion the subject application is desirable and appropriate development.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** The subject property is dual-zoned as both 'Lakeshore Residential (RL)' and 'Agricultural (A)'. Relief is required to permit a reduced front yard setback and interior side yard. The requested relief will provide ample access around the proposed structure and will not create a hazard to the private road.

In addition to the relief required, the subject application also requires permission for the expansion of an existing legal non-conforming use under Section 45(2) of the Planning Act. The Zoning By-law requires frontage on a public road prior to



development occurring. The property currently contains a vacation dwelling that is proposed to be expanded as part of this proposal. The proposed structure has the same footprint as the existing vacation dwelling, however it will increase in volume as it is proposed to include a second story. The dwelling currently located on the subject lands is not habitable, and has not been habitable since the summer of 2018. According to section 4.41.5 of the Zoning By-law, a use shall be considered discontinued five years after the use has ceased. As the use ceased less than five years ago it is still considered to be an existing use on the subject property. It is Planning staff's opinion the expansion of the existing use is appropriate, as the footprint of the existing and proposed structures remains the same size.

It is Planning staff's opinion the subject application complies with the Zoning By-law.

4. Does the application conform to the general intent of the Official Plan?

**Planning staff comment:** The Official Plan indicates that seasonal dwellings are the preferred type of dwelling along the Lakeshore. The Official Plan goes on to state that new development requires frontage on an open public road. The subject application represents the redevelopment of an existing lot of record by replacing the vacation dwelling in a new location on the property. The use of the property for a vacation dwelling is an existing legal non-conforming use, and is permitted to continue on the property.

The subject property is impacted by a dynamic beach hazard regulated by the LPRCA. The Official Plan does not permit site alteration or development within a dynamic beach hazard. The proposed location of development ensures that the structures can be located outside of the hazard lands. The proposal represents and improvement to the existing conditions.

It is Planning staff's opinion the subject application conforms to the Official Plan.

The subject application meets the four tests of a minor variance.

## **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on August 3, 2021.

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

# Location Map FILE #PLA-2021-113 APPLICANT: Root



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



**Location:**  
**3 MARSHALL ROAD**  
**GEOGRAPHIC TOWNSHIP OF DUNN**  
**WARD 5**

**Legal Description:**  
**DUN CON 5 SDR PT LOT 12**

**Property Assessment Number:**  
**2810 021 002 49100 0000**

**Size:**  
**0.46 Acres**

**Zoning:**  
**RL (Residential Lakeshore), A (Agricultural) & HL (Hazard Lands) Overlay**

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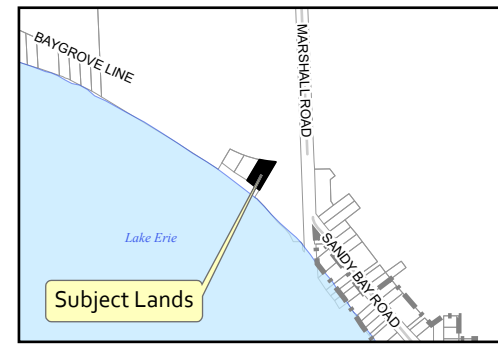


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# Owner's Sketch 1 of 2 FILE #PLA-2021-113 APPLICANT: Root



**Haldimand County**



**COTTAGE REBUILD  
CONCEPT PLANS**  
3 MARSHALL ROAD  
DUNNVILLE, ON

STEVE GREENWOOD BCIN: 54676  
MAXWELL HOMES INC. BCIN: 108435

**GRCA KEY MAP**

Project number	20-022
Date	MAY, 18, 2021
Drawn by	D. GREENWOOD
Checked by	S. GREENWOOD
Scale	1:4900
	2021-06-01 12:27:25 PM

Grand River Conservation Authority  
Date: Dec 15, 2020

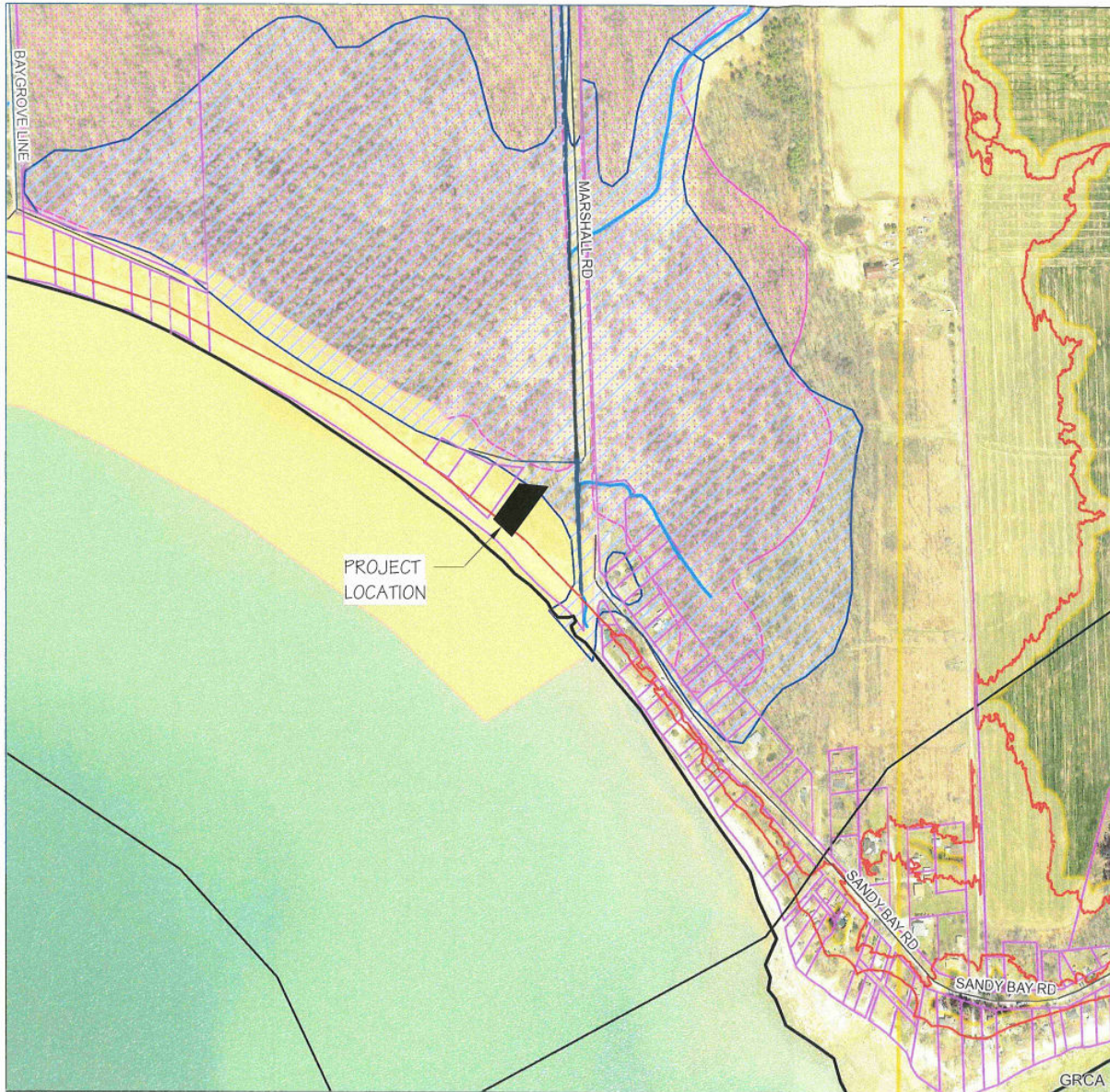
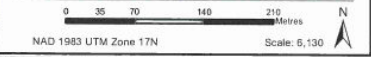
**GRCA KEY MAP**



**Legend**

- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Flood (GRCA)
- Regulated Watercourse (GRCA)
- Parcel - Assessment Public (MPAC/MNRF)
- Floodplain - Special Policy Area (GRCA)
- Floodplain (GRCA)**
  - Engineered
  - Estimated
  - Approximate
- Lake Erie Dynamic Beach (GRCA)
- Wetland (GRCA)
- Slope Valley (GRCA)**
  - Steep
  - Oversteep
- Slope Erosion (GRCA)**
  - Steep
  - Oversteep

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The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>



Map Centre (UTM NAD83 z17): 610,786.59 4,744,044.30

This map is not to be used for navigation | 2015 Ortho (ON)



# Owner's Sketch 2 of 2 FILE #PLA-2021-113 APPLICANT: Root



**Haldimand County**



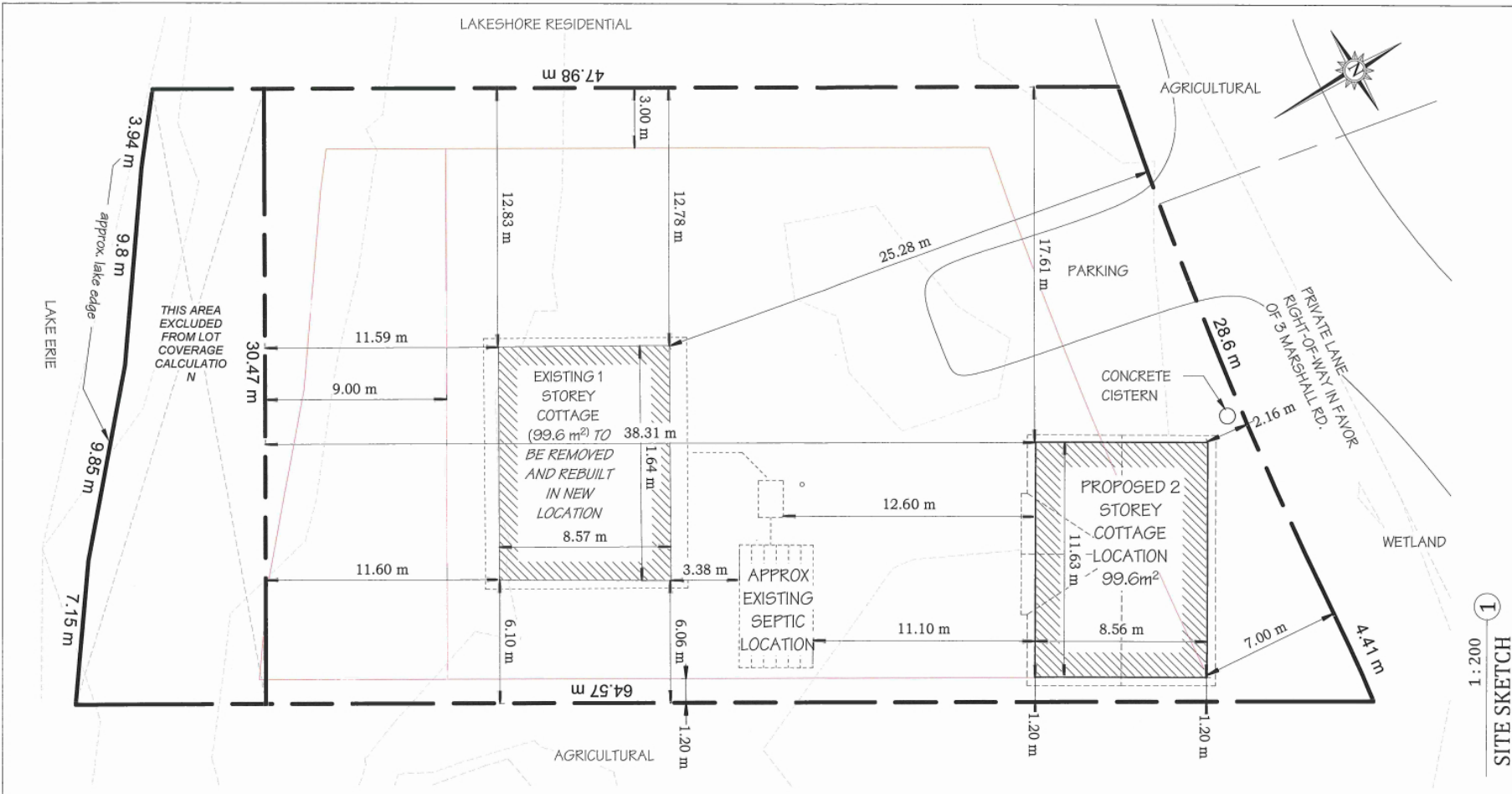
**COTTAGE REBUILD  
CONCEPT PLANS**  
5 MARSHALL ROAD  
DUNNVILLE, ON

STEVE GREENWOOD  
MAXWELL HOMES INC.  
BCIN: 34676  
BCIN: 109433

1  
1 : 200  
SITE SKETCH

SITE SKETCH

Project number	20-022
Date	MAY, 18, 2021
Drawn by	D. GREENWOOD
Checked by	S. GREENWOOD
Scale	As indicated
	2021-06-01 12:27:27 PM



LOT AREA		
DESCRIPTION	LOT AREA	%
LOT AREA	1703.22 m <sup>2</sup>	100%

LOT COVERAGE SUMMARY		
DESCRIPTION	AREA (m <sup>2</sup> )	LOT PERCENTAGE
PROPOSED DWELLING	99.60 m <sup>2</sup>	5.85%
	99.60 m <sup>2</sup>	5.85%

SYMBOL LEGEND

— HALDIMAND ZONING BYLAW MIN. SETBACKS



## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 17, 2021  
**File Number:** PLA-2021-119  
**Property Roll Number:** 2810-158-001-59903  
**Applicant:** Mike Lovegrove  
**Property Location:** Concession 1, Part Lot 18, Geographic Township of Rainham, known municipally as 1747 Lakeshore Road

### Recommendation

That application PLA-2021-119 be approved, subject to the following condition:

1. Approval from the County for a full lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409

The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Lakeshore Residential (RL) Zone of Haldimand County Zoning By law HC 1-2020 as follows:

Development Standards	Required	Proposed	Deficiency
Front Yard Setback	7.0 metres (23.0 feet)	6.147 metres (20.2 feet)	0.853 metres (2.8 feet)
Rear Yard	9.0 metres (29.5 feet)	5.436 metres (17.8 feet)	3.564 metres (11.7 feet)

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

**Site Features and Land Use:** The subject lands are located in the Lakeshore Area of the County in the geographic township of Rainham. The subject lands are located within a Lakeshore Node (identified and delineated cottage settlement area). The subject

lands have 46.63 metres (153 feet) of frontage on the north side of Lakeshore Road and are 0.1 hectares (0.27 acres) in size. The subject lands are a parallelogram. Surrounding land uses include residential on abutting properties with agricultural uses further to the north.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** Full lot grading plan required. If current property entrance is going to be used as the main entrance than no entrance permit will be required. If the entrance is moved from its current position a Permit will be required.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Long Point Region Conservation Authority:** The subject lands are regulated by the LPRCA. An LPRCA permit will be required prior to obtaining building permits.

**Ministry of Transportation:** No comments received.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## **Planning Analysis**

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*.

1. Is the application minor?

**Planning staff comment:** The purpose of the front yard setback is to ensure conformity of the built line and streetscape in the neighbourhood, ensure safety and access to the road and ensure maintenance and operation of any infrastructure is not interfered with.

There are few dwellings fronting onto the north side of Lakeshore Road in this area as the adjacent lots are deep through lots with frontage on Featherstone Avenue. The reduction of the required front yard will not impact conformity with the neighbourhood. Further the proposed front yard setback can accommodate a full length parking space (6 metres) such that safety and access concerns have been addressed while not infringing on maintenance and operation of the road and related infrastructure.

The purpose of the required rear yard is to ensure there is sufficient outdoor amenity space and separation of structures on adjacent properties to limit potential for conflict. Due to the parallelogram shape of the lot the side yard to the north east is larger than typical side yards and provides opportunities for outdoor amenity space. Further the adjacent lots to the rear are already developed containing dwellings with large rear yards. The existing dwellings and the proposed structures on the subject lands have ample separation.

The proposed development is considered to be minor in nature.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** The subject lot is an existing lot of record in a Lakeshore Node. Development of Vacation Home Dwellings is intended to be directed to Lakeshore Nodes. For this reason, and the reasons listed above it is Planning staff's opinion that the subject application is considered desirable and appropriate development for the subject lands.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** The subject lands are zoned 'Lakeshore Residential (RL)' subject to the 'Hazard Lands (HL)' overlay. The RL zone permits Vacation Home Dwellings provided all zone provisions can be satisfied. As the lands are located within the Hazard Lands overlay, development is subject to review from the Long Point Region Conservation Authority (LPRCA). The LPRCA has provided comments indicating they could support the development provided the hazards can be adequately addressed. For the reasons listed above, it is Planning staff's opinion that the subject application generally conforms to the intent of the Zoning By-law.

4. Does the application conform to the general intent of the Official Plan?



**Planning staff comment:** The subject lands are designated 'Resort Residential' and subject to the 'Lakeshore Hazard Lands' overlay designation. The LPRCA has provided comments indicating they could support the development provided the hazards can be adequately addressed. Residential uses, including Vacation Home Dwellings, are to be directed to existing Resort Residential Nodes. Further, cottage development in Haldimand County is typically compact and has lesser yard setbacks. Staff are of the opinion that the proposal maintains the intent of the Official Plan.

The subject application meets the four tests of a minor variance.

### **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on August 1, 2021.

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

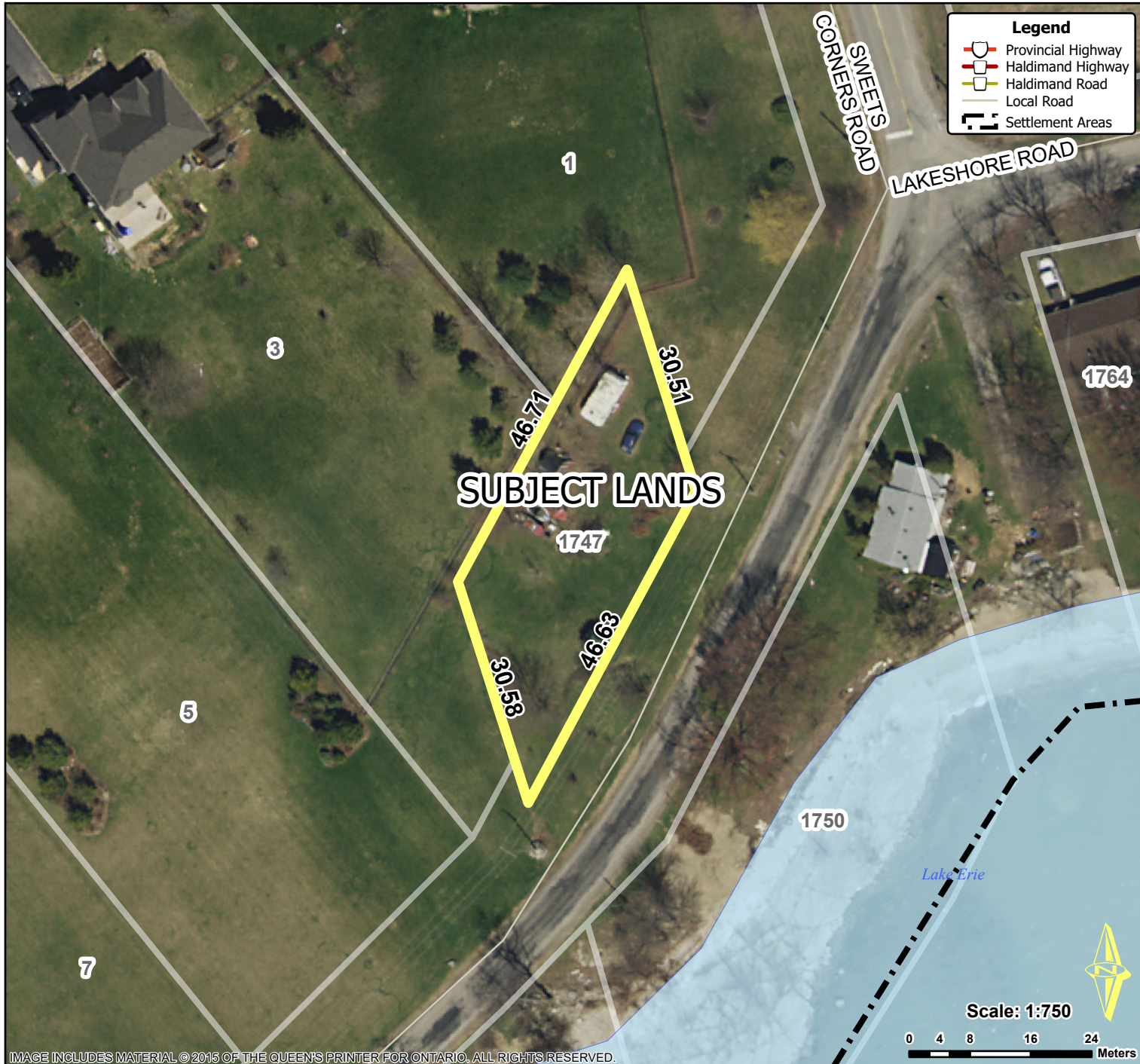
Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

# Location Map FILE #PLA-2021-119 APPLICANT: Lovegrove



**Legend**

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

**Location:**  
**1747 LAKESHORE ROAD**  
**GEOGRAPHIC TOWNSHIP OF RAINHAM**  
**WARD 2**

**Legal Description:**  
**RAINHAM CON 1 PT LOT 18**

**Property Assessment Number:**  
**2810 158 001 59903 0000**

**Size:**  
**0.27 Acres**

**Zoning:**  
**RL (Lakeshore Residential) & HL (Hazard Lands) Overlay**

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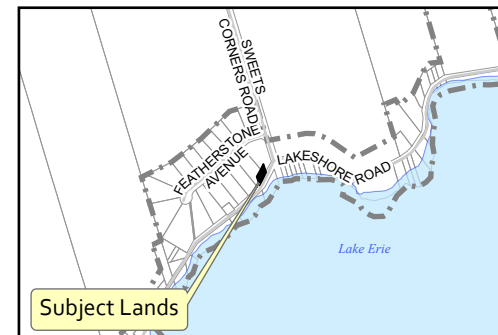
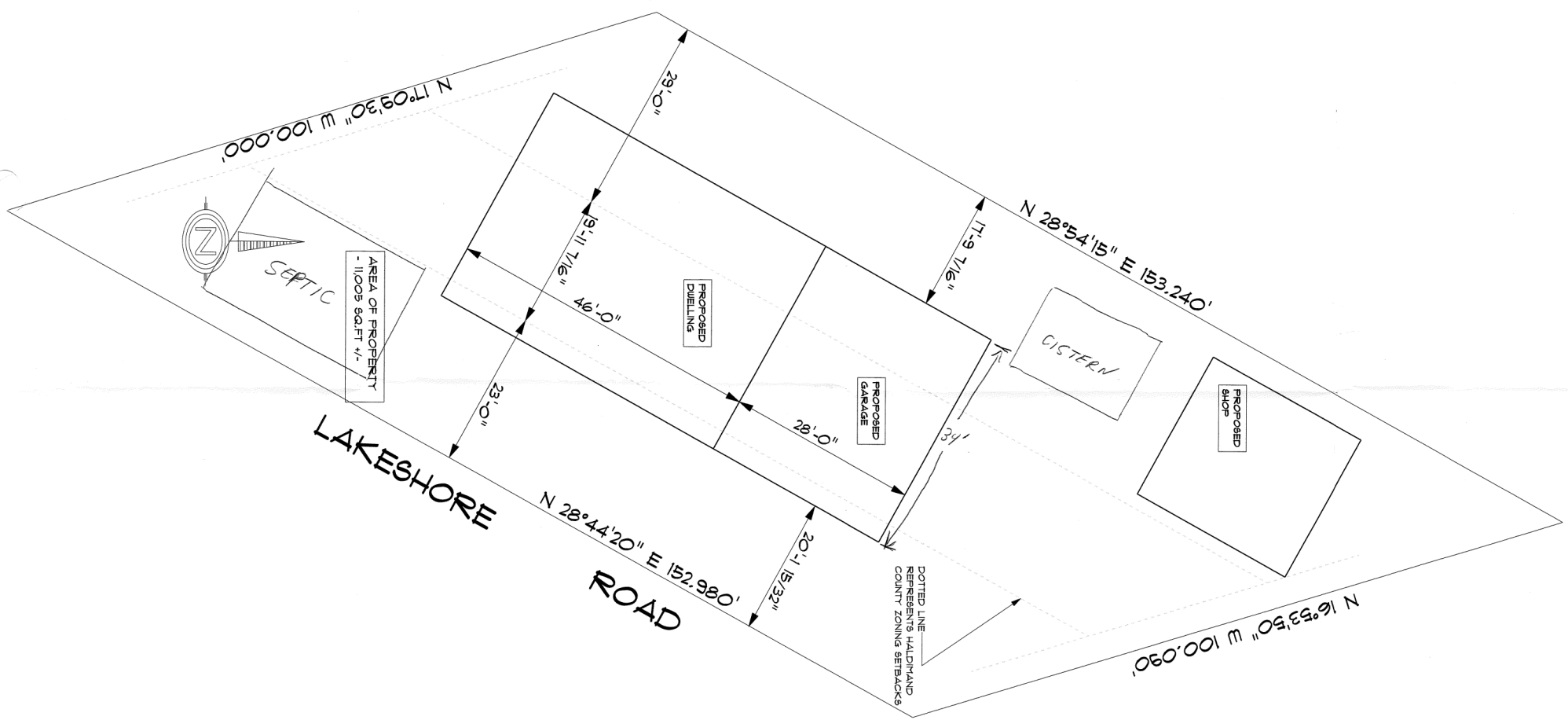


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# Owner's Sketch FILE #PLA-2021-119 APPLICANT: Lovegrove





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 17, 2021  
**File Number:** PLA-2021-121  
**Property Roll Number:** 2810-024-006-02300  
**Applicant:** Michael Garret Bogul  
**Property Location:** Plan 6458, Part Lots 72 and 73, Urban Area of Dunnville,  
known municipally as 908 Cedar Street

### Recommendation

That application PLA-2021-121 be approved, subject to the following condition:

1. Approval from the County for a partial lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409

The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Residential Type 1-A (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020 as follows:

Development Standards	Required	Proposed	Deficiency
Interior Side Yard (left)	1.0 metres (3.3 feet)	0.6096 metres (2.0 feet)	0.3904 metres (1.3 feet)

The relief is requested to permit the construction of a garage on the property.

**Site Features and Land Use:** The subject lands front onto the east side of Cedar Street in Dunnville. The lands currently contain a single detached dwelling and two small accessory storage structures in the rear yard. Surrounding land uses are residential in nature.

**Existing Intensive Livestock Operations:** Not applicable.



## Agency & Public Comments

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** Partial lot grading plan required.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Ministry of Transportation:** No comments received.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Is the application minor?

**Planning staff comment:** The application is seeking relief to permit a detached garage with an interior side yard setback of 0.6 metres where 1 metre is required. The intent of a required side yard setback is to ensure there is ample space around the structure for construction and future maintenance without encroaching on neighbouring lands. Further the proposed garage will replace an existing storage structure in a similar location. Planning staff are satisfied that the application is minor.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** The proposed detached garage represents a permitted accessory use on the subject property. As previously mentioned the garage will replace an existing storage building in a similar location on the property. The reduced side yard is required to ensure that the overhead door on

the proposed garage will be able to allow a vehicle to enter and exit to the driveway safely. Further, it is proposed to be located along a small storage structure on the adjacent property and is not anticipated to negatively impact the adjacent lots. Planning staff are satisfied the application is desirable for the appropriate development of the lands.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** As previously identified, the intent of the required side yard is to ensure separation of uses on adjacent properties and to provide sufficient space for construction and ongoing maintenance. The proposed setback is sufficient to allow for maintenance alongside the structure. The proposed garage is located alongside a storage building on the adjacent property and staff do not anticipate the creation of a land use conflict. Planning staff are satisfied the application conforms to the general intent of the Zoning By-law.

4. Does the application conform to the general intent of the Official Plan?

**Planning staff comment:** The subject lands are designated “Residential” in the Haldimand County Official Plan. A residential use and related accessory structures are a permitted form of development within the Residential designation. Staff are satisfied the application conforms to the general intent of the Official Plan.

The subject application meets the four tests of a minor variance.

## **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 29, 2021.

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

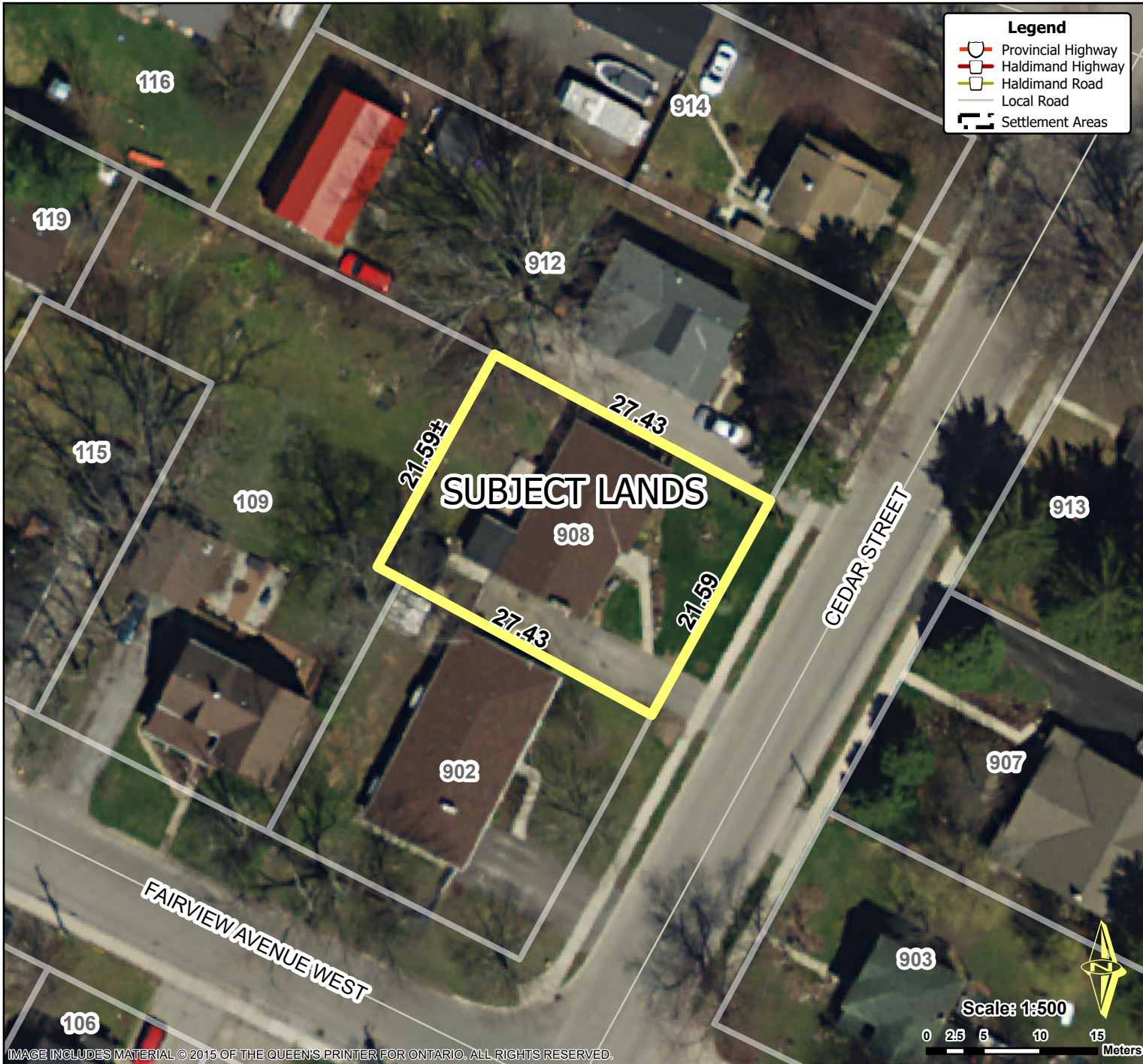
Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

# Location Map FILE #PLA-2021-121 APPLICANT: Bogul



**Location:**  
**908 CEDAR STREET**  
**URBAN AREA OF DUNNVILLE**  
**WARD 6**

**Legal Description:**  
**PLAN 6458 PT LOT 72 PT LOT 73**

**Property Assessment Number:**  
**2810 024 006 02300 0000**

**Size:**  
**0.14 Acres**

**Zoning:**  
**R1-A (Urban Residential Type 1-A)**

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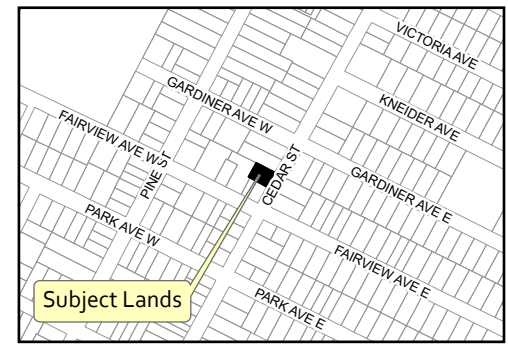
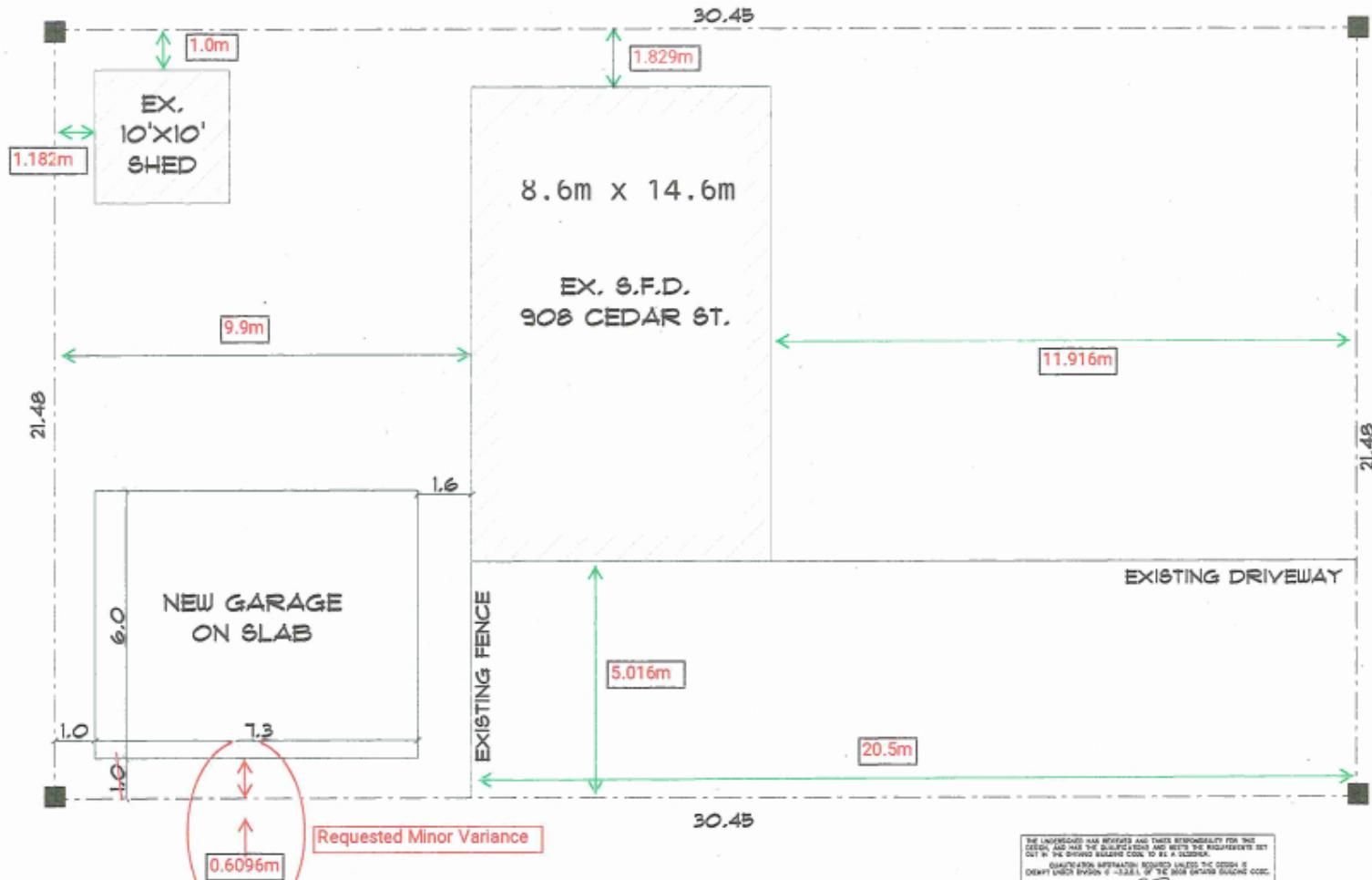


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# Owner's Sketch FILE #PLA-2021-121 APPLICANT: Bogul



## GARAGE SLAB ON GRADE

908 CEDAR ST. DUNNVILLE, ON.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE DUNNVILLE BUILDING CODE TO BE A SURVEYOR.  
 QUALIFICATION INFORMATION REQUIRED UNDER THE CODE IS OBTAINED UNDER BY-LAW 3-2011 OF THE TOWN OF DUNNVILLE ONTARIO.  
 JOHN DANHART 44793

REGISTRATION INFORMATION SET FORTH IN THE CODE IS OBTAINED UNDER DIVISION 2 - (2.2.1) OF THE 2006 ONTARIO BUILDING CODE. THE BUILDING PERMIT OUT FOR THIS PROJECT.

S-1

SCALE: 1/4" = 1'-0"





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 17, 2021  
**File Number:** PLA-2021-123  
**Property Roll Number:** 2810-155-003-12052  
**Applicant:** Anita and Brett Robertson  
**Property Location:** Concession 1 South of Talbot Road, Part Lot 30,  
Registered Plan 18R7121 Part 1, Geographic Township  
of North Cayuga, known municipally as 2420 Haldimand  
Road 20

### Recommendation

That application PLA-2021-123 be approved. The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020 as follows:

Development Standards	Required	Proposed	Deficiency
Height of Building (secondary dwelling)	5.0 metres (16.4 feet)	6.5 metres (21.3 feet)	1.5 metres (4.9 feet)

The relief is requested to recognize the deficiency of an existing secondary suite built over a garage on the property.

**Site Features and Land Use:** The subject lands are located just outside of Cayuga's urban boundary in the geographic Township of North Cayuga and are surrounded by agricultural land. The subject lands front on to the east side of Haldimand Road 17 and contain an existing dwelling and secondary suite over the detached garage.

**Existing Intensive Livestock Operations:** No dwelling shall be erected or located on a separate lot unless it complies with the requirements of the Nutrient Management Act and the Minimum Distance Separation (MDS I) formulae and guidelines developed by

the province, as amended from time to time. A cattle operation is located approximately 300 metres from the secondary suite; however, the existing dwelling on the subject lands is located closer than the secondary suite to the cattle operation.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** No comments or concerns.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Grand River Conservation Authority:** No comments received.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## **Planning Analysis**

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*.

1. Is the application minor?

**Planning staff comment:** The detached residential accessory structure is not prominently visible from the road and will not look out of character for the area. The application will not have a negative affect on the adjacent properties, and will not overwhelm the subject lands. The accessory structure is existing, is set back from the road on a hill that blends in behind the house and there are trees sheltering the property. The residential accessory structure will remain secondary to the residential nature of the subject lands. As such, the proposal is considered minor in nature.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** Secondary suites are defined as a self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located within the principal dwelling on the lot or in an attached or detached accessory structure on the lot. The application is considered desirable and appropriate development as secondary suites over garages are permitted. Previously, Temporary By-law 1024-HC-17 was passed to permit a secondary suite which has since expired. The 2020 Zoning By-law now permits secondary suites in the Agriculture zone.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** The subject lands are located in the 'Agriculture (A)' Zone. Section 4.55 of the By-law states that a secondary suite may be contained within the principal dwelling or in an attached or detached accessory structure on the lot associated with a single-detached or semi-detached dwelling. The Zoning By-law permits as an accessory use, detached secondary dwelling structures up to a height of 5 metres (16.4 feet). The applicant is requesting relief for an existing secondary suite that is 6.5 metres (21 feet) in height. The purpose of the maximum residential accessory structure height and size provisions is to ensure that residential accessory structures remain accessory to the principal use of the property (in this case, rural residential), and that they are an appropriate size and scale for the neighbourhood or area. The accessory structure is an appropriate size for the subject lands, and is shorter than the principal dwelling. The zoning of the subject lands will indicate to the current and future property owners that the detached accessory structure is to be used for residential (rather than commercial) purposes. The subject lands are also located in the prime agricultural area where taller and larger agricultural structures are permitted, and will be shielded from view via the front yard setback and being positioned behind the house. Overall, the proposal generally satisfies the intent and purpose of the Zoning By-law.

4. Does the application conform to the general intent of the Official Plan?

**Planning staff comment:** The subject lands are designated 'Agriculture' in the Official Plan and are located within the County's prime agricultural area. The agricultural policies permit a single family dwelling and by extension, residential accessory structures. Secondary suites are permitted when the unit is



subordinate to the primary dwelling, there is adequate parking, adequate servicing, provincial building and fire code requirements are met, and the exterior appearance is not significantly altered. The secondary suite has adequate parking spaces in front of the garage and is situated on a long drive way. Septic and cistern services are available on the property and the secondary suite is already built above a detached garage. The proposal conforms with the general intent of the Official Plan.

The subject application meets the four tests of a minor variance.

### **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 28, 2021.

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.

Prepared by:



---

Jessica Easson, BBA  
Planning Technician  
905-318-5932 extension 6212

Reviewed by:



---

Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

# Location Map FILE #PLA-2021-123 APPLICANT: Robertson



**Location:**  
 2420 HALDIMAND ROAD 17  
 GEOGRAPHIC TOWNSHIP OF  
 NORTH CAYUGA  
 WARD 2

**Legal Description:**  
 NORTH CAYUGA CON 1 STR PT LOT 30  
 RP 18R7121 PART 1

**Property Assessment Number:**  
 2810 155 003 12052 0000

**Size:**  
 1.5 Acres

**Zoning:**  
 A (Agricultural)

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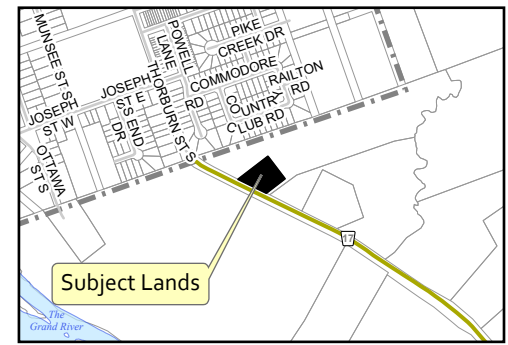


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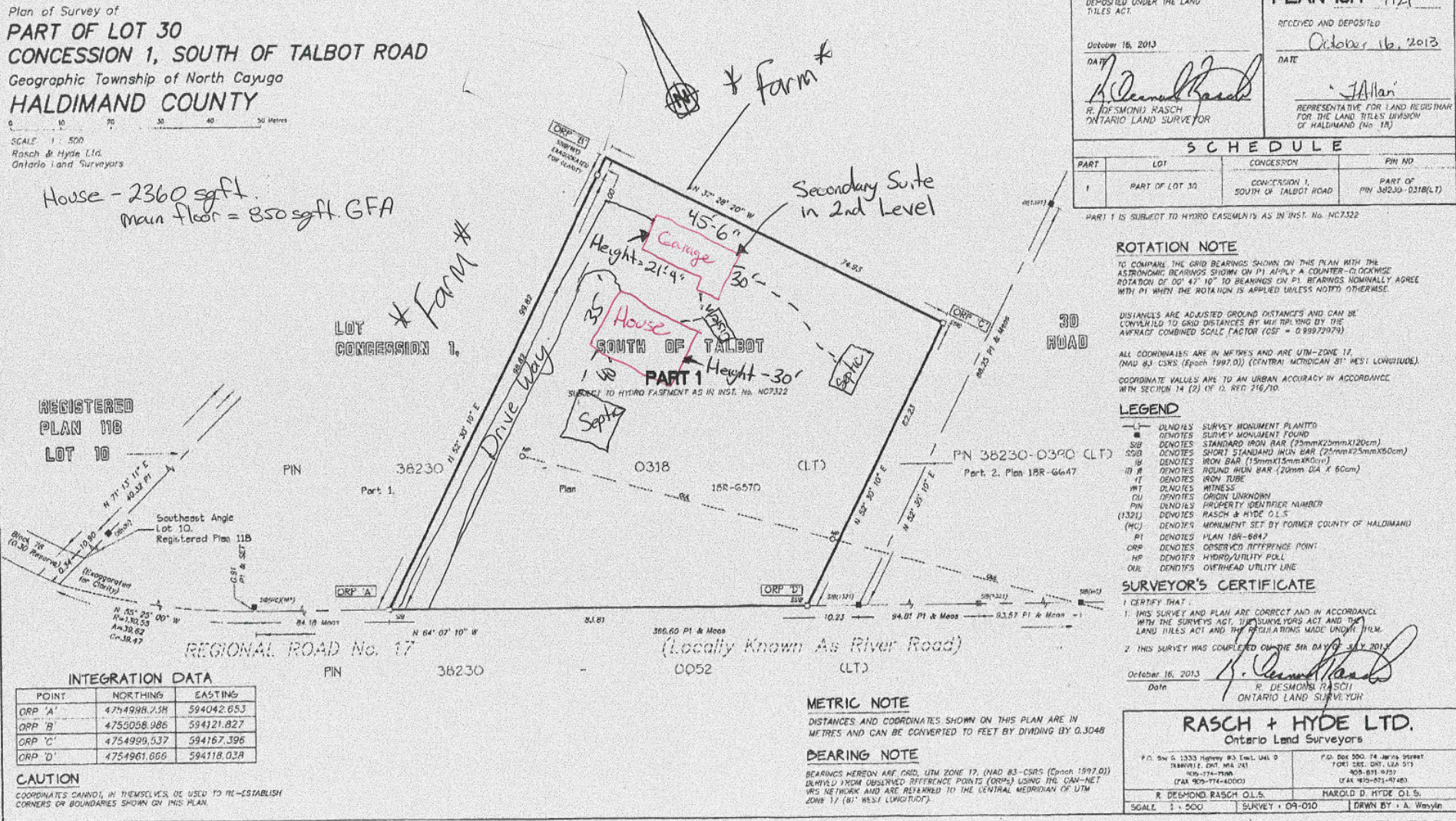
# Owner's Sketch FILE #PLA-2021-123 APPLICANT: Robertson



Plan of Survey of  
**PART OF LOT 30**  
**CONCESSION 1, SOUTH OF TALBOT ROAD**  
 Geographic Township of North Cayuga  
**HALDIMAND COUNTY**

SCALE 1:500  
 Rasch & Hyde Ltd.  
 Ontario Land Surveyors

House - 2360 sqft.  
 main floor = 850 sqft GFA



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT.

October 16, 2013  
 DATE

RECEIVED AND DEPOSITED  
 October 16, 2013  
 DATE

R. DESMOND RASCH  
 ONTARIO LAND SURVEYOR

J. Allan  
 REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND TILES DIVISION OF HALDIMAND (No. 1A)

SCHEDULE			
PART	LOT	CONCESSION	PIN NO
1	PART OF LOT 30	CONCESSION 1, SOUTH OF TALBOT ROAD	PART OF PIN 38230-0318(LT)

PART 1 IS SUBJECT TO HYDRO EASEMENTS AS IN INST. No. N07322

**ROTATION NOTE**  
 TO COMPARE THE GRID BEARINGS SHOWN ON THIS PLAN WITH THE ASTRONOMIC BEARINGS SHOWN ON P1 APPLY A COUNTER-CLOCKWISE ROTATION OF 00° 45' 10" TO BEARINGS ON P1. BEARINGS NOMINALLY AGREE WITH P1 WHEN THE ROTATION IS APPLIED UNLESS NOTED OTHERWISE.

DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AFFRACT COMBINED SCALE FACTOR (CSF = 0.99972074)

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17, (NAD 83 CSRS (Epoch 1997.0)) (CENTRAL MERIDIAN 81° WEST LONGITUDE). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O. REG. 216/10.

- LEGEND**
- SURVEY MONUMENT PLANTING
  - SURVEY MONUMENT FOUND
  - SIB DENOTES STANDARD IRON BAR (25mmx25mmx120cm)
  - SSIB DENOTES SHORT STANDARD IRON BAR (25mmx25mmx50cm)
  - IB DENOTES IRON BAR (15mmx15mmx90cm)
  - IRB DENOTES ROUND IRON BAR (20mm DIA x 90cm)
  - IT DENOTES IRON TUBE
  - WT DENOTES WITNESS
  - OU DENOTES ORIGIN UNKNOWN
  - PIN DENOTES PROPERTY IDENTIFIER NUMBER (1321)
  - (MC) DENOTES MONUMENT SET BY FORMER COUNTY OF HALDIMAND
  - P1 DENOTES PLAN 18R-6647
  - ORP DENOTES OBSERVED REFERENCE POINT
  - HP DENOTES HYDRO/UTILITY POLL
  - OUL DENOTES OVERHEAD UTILITY LINE

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
  - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THIS SURVEY WAS COMPLETED ON THE 8th DAY OF JULY 2013.

October 16, 2013  
 Date

R. DESMOND RASCH  
 ONTARIO LAND SURVEYOR

**RASCH + HYDE LTD.**  
 Ontario Land Surveyors

P.O. Box 5, 1333 Highway #3 East, Unit D  
 THORNHILL, ONT. M2A 2A1  
 905-774-7700  
 (FAX 905-774-4000)

P.O. Box 500, 74 Jarvis Street  
 TORONTO, ONT. M5A 0T5  
 416-593-9125  
 (FAX 416-593-9125)

R. DESMOND RASCH O.L.S.      MARCOL D. HYDE O.L.S.

SCALE 1:500      SURVEY 09-010      DRAWN BY: A. Wanslyn

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

**BEARING NOTE**  
 BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-CSRS (Epoch 1997.0)) DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) USING THE CAN-MET IRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).

REGISTERED PLAN 118  
 LOT 10

**INTEGRATION DATA**

POINT	NORTHING	EASTING
ORP 'A'	4744998.758	594042.653
ORP 'B'	4750058.986	594121.827
ORP 'C'	4754999.537	594167.396
ORP 'D'	4754961.666	594118.038

**CAUTION**  
 COORDINATES SHOWN, IN THEMSELVES, ARE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

T-763

T-763





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 17, 2021  
**File Number:** PLA-2021-127  
**Property Roll Number:** 2810-023-001-03921  
**Applicant:** Lori Lee and Terry Robinson  
**Agent:** Jeremy Cervi  
**Property Location:** Plan 18M48, Lot 1, Geographic Township of Moulton, known municipally as 2 Phillips Court

### Recommendation

That application PLA-2021-127 be approved, subject to the following condition:

1. Approval from the County for a partial lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409

The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC 1-2020 as follows:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Height of Building	4.5 metres (14.8 feet)	8.0 metres (26.2 feet)	3.5 metres (11.4 feet)
Accessory Building Area	100 square metres (1076.4 square feet)	240.1 square metres (2584.4 square feet)	140.1 square metres (1508.0 square feet)

The relief is requested to permit the construction of an accessory building for storage on the property.



**Site Features and Land Use:** The subject lands are located within the hamlet of Attercliffe Station in the geographic township of Moulton. The subject lands are located at the corner of Phillips Court and Carter Road and have 54.26 metres (178.018 feet) of frontage on the east side of Phillips Court and are 0.38 hectares (0.94 acres) in size. The surrounding land uses are primarily residential in nature with agriculture to the north.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** Partial lot grading plan required.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## **Planning Analysis**

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Is the application minor?

**Planning staff comment:** The subject application is seeking relief to facilitate the construction of an accessory structure for personal storage. The application is seeking 140.1 square metres of relief to permit an accessory structure with 240 square metres of area on the subject lands. While the requested area is relief is large numerically, if the lot was over 0.4 hectares in size a 200 square metre accessory building would be permitted. The proposed accessory structure will occupy 6.3% of the lot area where a maximum of 10% is permitted. The application is also seeking relief to permit a height of 8 metres where 4.5 metres

is permitted. The maximum height of 4.5 metres applies to all residential lots regardless of size or location. The subject property is a large lot nearby to agricultural uses, where much larger and taller accessory structures would be permitted.

It is Planning staff's opinion that the subject application is minor.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** The subject application is seeking relief to facilitate the construction of an oversized accessory structure to accommodate the storage of an RV and boat owned by the property owner. This use is a permitted accessory use on a residential lot. The subject lands and proposed structure would still be required to adhere to provisions in the Zoning By-law that regulate the location, size and types of home industry permitted on the property.

It is Planning staff's opinion the subject application is desirable and appropriate development.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** The subject lands are zoned 'Hamlet Residential (RH)'. The subject application is seeking 140.1 square metres of relief to facilitate a 240.1 square metre accessory structure where 100 square metres is permitted. The Zoning By-law also limits accessory structures to a maximum of 10% of the lot area. The intent of the provisions limiting the area of accessory structures is to ensure that adequate outdoor amenity space is present on the property and to ensure the structure remains accessory to the residential use on the property. The proposed structure represents 6.3% lot coverage, well below the maximum permitted 10%. The proposed structure will comply with all setback requirements for the subject property and will leave ample outdoor amenity space that is able to accommodate onsite water and septic services. As previously mentioned the application is not seeking relief to permit the oversized structure to accommodate a home industry. While a home industry could be located within the structure it would be required to be limited in size and scale as outlined in the Zoning By-law. As proposed staff are satisfied the use of the structure will be accessory to the primary residential use on the property.

The subject application is also seeking 3.5 metres of relief to permit a height of 8 metres where 4.5 metres is permitted. The intent of maximum height provisions is to limit impact on neighbouring properties and to ensure the structure maintains the general character of the area. The proposed height of 8 metres is less than the maximum permitted height of dwelling in the 'Hamlet Residential' zone. Additionally the area surrounding Attercliffe Station is agricultural, with some large agricultural accessory structures.

It is the opinion of Planning staff that the subject application maintains the general intent of the Zoning by-law.

4. Does the application conform to the general intent of the Official Plan?

**Planning staff comment:** The subject lands are designated 'Hamlet' in the Official Plan. Low density residential development is intended to be the primary land use within the 'Hamlet' designation. The subject application is to facilitate the construction of an accessory structure related to a low density residential use.

It is the opinion of Planning staff that the subject application conforms to the Official Plan.

The subject application meets the four tests of a minor variance.

## **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 21, 2021.

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

Reviewed by:

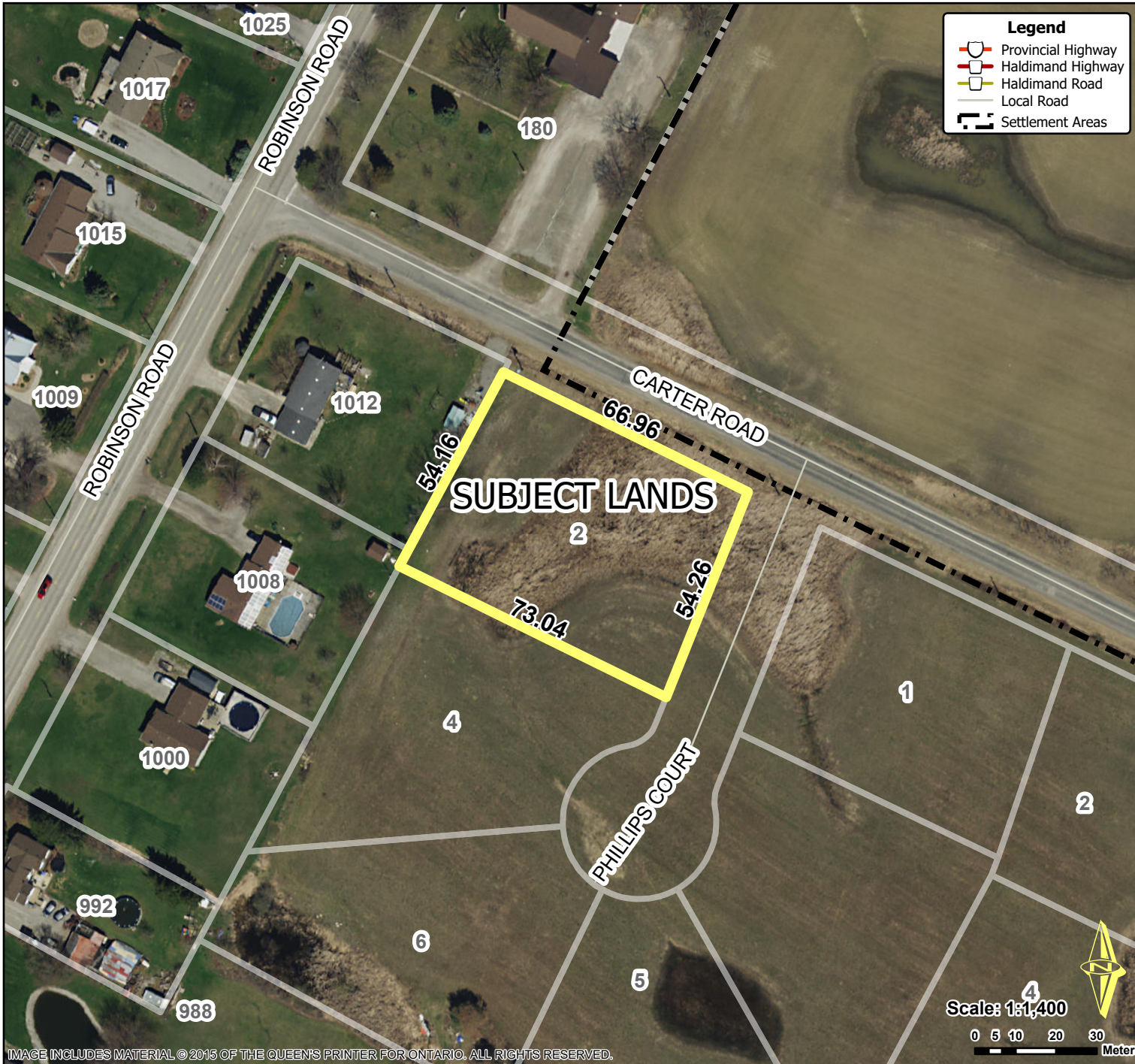


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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208



# Location Map FILE #PLA-2021-127 APPLICANT: Robinson



Location:  
**2 PHILLIPS COURT**  
**GEOGRAPHIC TOWNSHIP OF MOULTON**  
**WARD 5**

Legal Description:  
**PLAN 18M48 LOT 1**

Property Assessment Number:  
**2810 023 001 03921 0000**

Size:  
**0.94 Acres**

Zoning:  
**RH (Hamlet Residential)**

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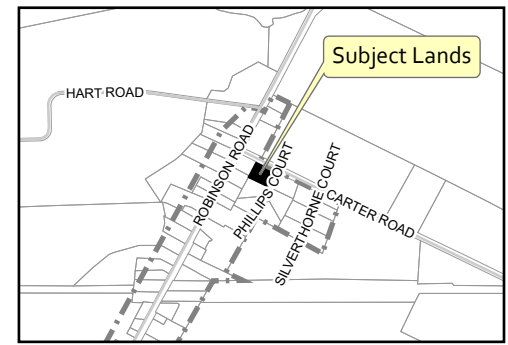
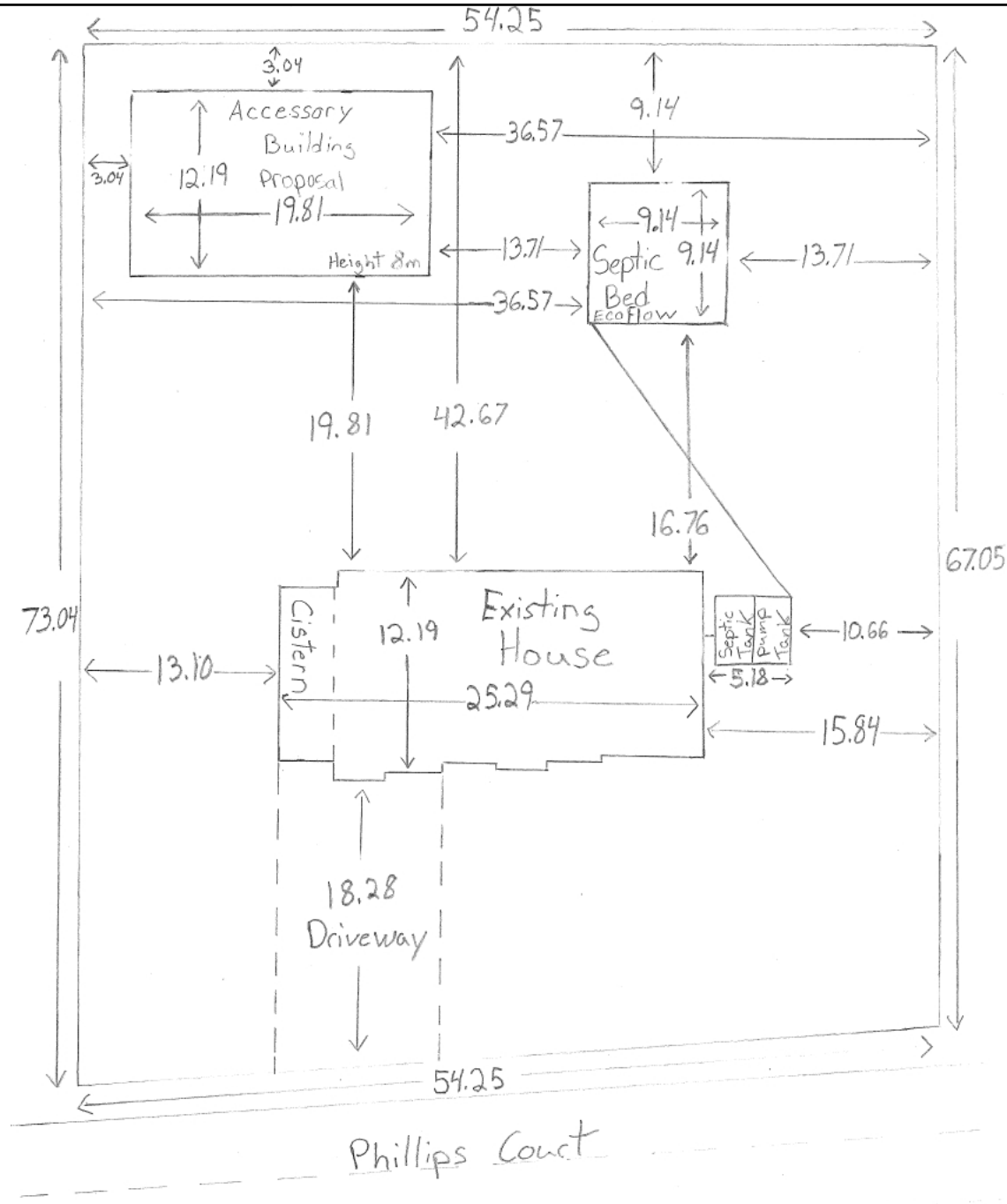


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# Owner's Sketch FILE #PLA-2021-127 APPLICANT: Robinson





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 17, 2021  
**File Number:** PLA-2021-128  
**Property Roll Number:** 2810-022-003-09970  
**Applicant:** Keith Fralick  
**Agent:** Stephen Cowan (John L. Cowan Ltd.)  
**Property Location:** Concession 3, Part Lot 7, Registered Plan 18R4534 Part 1, Geographic Township of Canborough, known municipally as 164 James Road

### Recommendation

That application PLA-2021-128 be approved. The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020 as follows:

Development Standards	Required	Proposed	Deficiency
Secondary Suite Area (40% of Primary Dwelling)	54.26 square metres (584 square feet)	69.68 square metres (750 square feet)	15.42 square metres (166 square feet)

The relief is requested to permit the construction of a secondary suite on the property.

**Site Features and Land Use:** The subject lands are located in an agricultural area in the geographic township of Canborough. The subject lands have 60.96 metres (200 feet) of frontage on the north side of James Road and are 0.37 hectares (0.92 acres) in size. The lands currently contain a dwelling and a detached garage serviced by a septic system and cistern. The surrounding land uses are agricultural in nature with a rural residential lot on the south side of James Road.

**Existing Intensive Livestock Operations:** Not applicable.



## Agency & Public Comments

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** No comments or concerns.

**Haldimand County Emergency Services:** No comments received.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Niagara Peninsula Conservation Authority:** NPCA will not object to the proposed Minor Variance. NPCA is satisfied that any negative impact that the proposed development may have on the Provincially Significant Wetland (PSW), which is within 30 metres of the subject property, will be mitigated by James Road.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*.

1. Is the application minor?

**Planning staff comment:** The subject application is seeking relief to permit a secondary suite area of 69.68 square metres of area where 54.26 square metres is permitted. The zoning by-law permits a secondary suite area to a maximum of 40% of the area of the primary dwelling. The secondary suite is proposed to be attached to the existing dwelling and will appear as one structure when viewed from the road. In addition, while the secondary suite is larger than the permitted maximum, at 69.68 square metres it is a modest dwelling area.

It is the opinion of Planning staff that the subject application is minor in nature.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** The intent of permitting secondary dwelling suites in Haldimand County is to improve the quantity and range of housing options within the County while also ensuring that secondary units remain accessory to the primary dwelling on the property. The proposed unit will provide an additional residential option, while being approximately half the size of the current dwelling. While the proposed dwelling unit exceeds the permitted maximum it will be secondary to the primary dwelling. Further, as the units are connected they will appear as a single dwelling form the road and will maintain the character of the rural area.

It is Planning staff's opinion the subject application is desirable and appropriate development.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** The intent of limiting the area of secondary units is to ensure they remain accessory to the existing dwelling on the property. The proposed secondary dwelling suite area is approximately 48% of the area of the primary dwelling unit on the property. It is staff's opinion the proposed secondary suite will remain accessory to the primary use. Further, the proposed secondary suite will comply with all other provisions in the Zoning By-law.

It is Planning staff's opinion the subject application maintains the general intent of the Zoning By-law.

4. Does the application conform to the general intent of the Official Plan?

**Planning staff comment:** The Official Plan outlines several criteria for the establishment of secondary suites. Per the Official Plan, the unit is to be clearly subordinate to the primary residence. The proposed unit is less than half the size of the existing primary dwelling and is clearly subordinate. The Official Plan also requires that the site can accommodate parking and servicing required for the unit. The subject lands have ample parking spaces for the unit and servicing capacity will be verified as part of the building permit process. Additionally, the secondary suite must comply with all building and fire code regulations, which will also be verified through the building permit process. Finally, the Official Plan requires that the exterior appearance of the dwelling is not significantly altered to accommodate the new unit. While the proposed dwelling unit will be located in an



addition that will alter the exterior of the dwelling, it will appear as a single residence from the road and will maintain the character of the rural area.

It is Planning staff's opinion the subject application conforms to the Official Plan.

The subject application meets the four tests of a minor variance.

### **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on August 3, 2021.

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

# Location Map FILE #PLA-2021-128 APPLICANT: Fralick



**Legend**

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



Location:  
**164 JAMES ROAD**  
**GEOGRAPHIC TOWNSHIP OF**  
**CANBOROUGH**  
**WARD 6**

Legal Description:  
**CAN CON 3 PT LOT 7 RP 18R4534 PART 1**

Property Assessment Number:  
**2810 022 003 09970 0000**

Size:  
**0.92 Acres**

Zoning:  
**A (Agricultural) & HL (Hazard Lands)**

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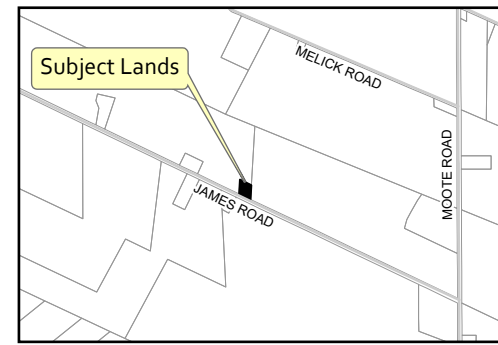
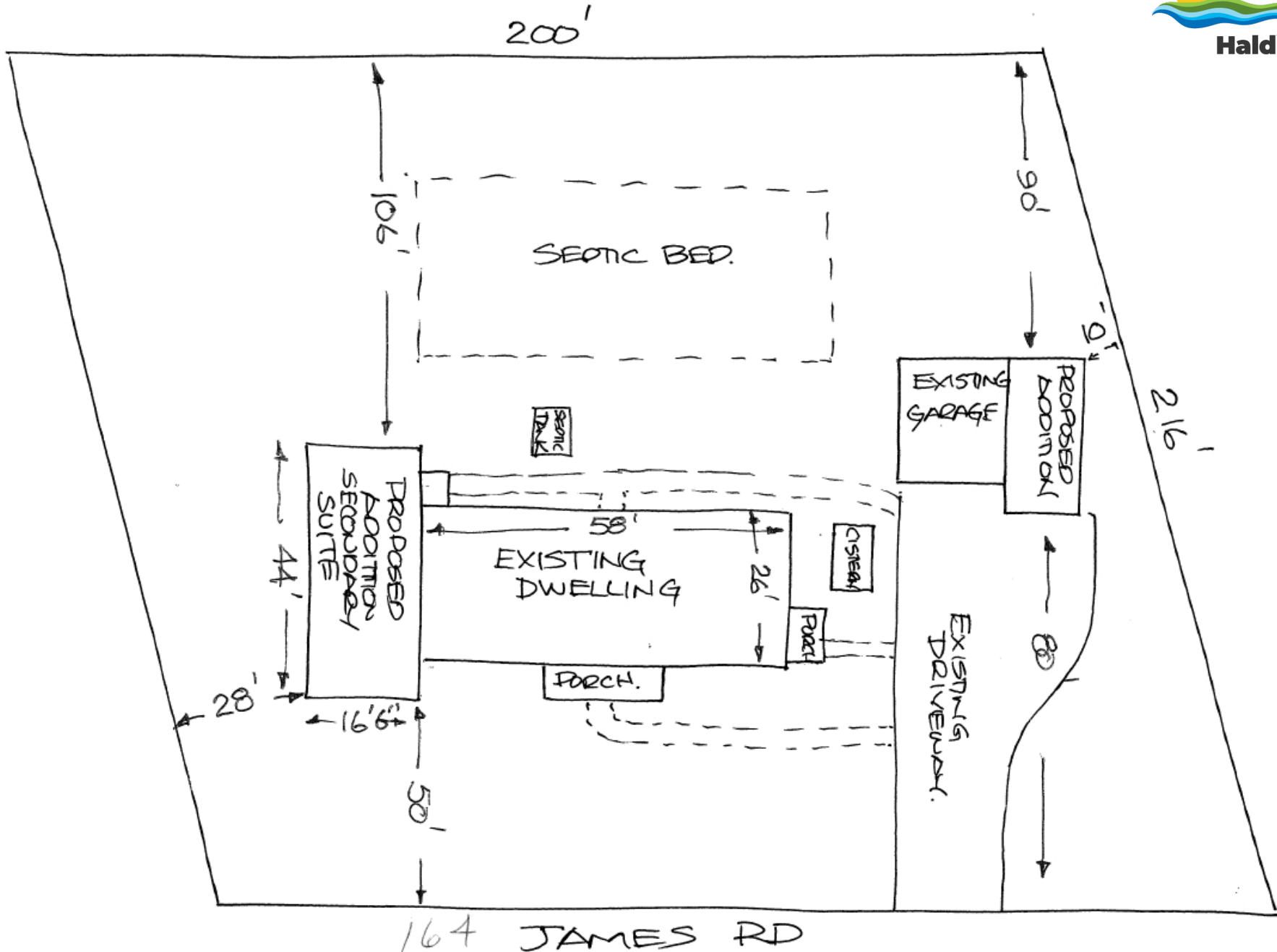


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# Owner's Sketch FILE #PLA-2021-128 APPLICANT: Fralick





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** August 21, 2021

**File Number:** PLA-2021-130

**Property Roll Number:** 2810-025-002-00520

**Applicant:** 859656 Ontario Limited

**Agent:** Ashley Minns (IBI Group)

**Property Location:** Concession 1, Part Lot 10, Registered Plan 18R2861 Part 3, Geographic Township of Sherbrook, known municipally as 1942 North Shore Drive

### Recommendation

That application PLA-2021-130 be approved, subject to the following condition:

1. Approval from the County for a full lot grading plan and that the applicant enter into a drainage re-apportionment agreement. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409.

The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** Relief is requested from the provisions of the Open Space (OS) Zone of Haldimand County Zoning By-law HC 1-2020 as follows:

Development Standards	Required	Proposed	Deficiency
Number of Lots (Special Provision 37.59)	26 lots	53 lots	27 lots
Campground Lot Size (Section 4.8 (b))	4 hectares (9.9 acres)	2.1 hectares (5.12 acres)	1.9 hectares (4.78 acres)



The relief is requested to permit the expansion of an existing campground onto the neighbouring property.

**Site Features and Land Use:** The subject lands are located in the Lakeshore area of the geographic township of Sherbrook. The subject lands have 48.97 metres (160.66 feet) of frontage on the south side of North Shore Drive, extending all the way to Lake Erie, with an area of 2.1 hectares (5.1 acres). The lands are currently vacant and abut and existing campground, which is proposed to be expanded on the subject lands.

**Existing Intensive Livestock Operations:** Not applicable.

## **Agency & Public Comments**

**Haldimand County Building & Municipal Enforcement Services:** No comments.

**Haldimand County Planning & Development Services – Development & Design Technologist:** Full lot grading plan required. Drainage re-apportionment agreement required.

**Haldimand County Emergency Services:** No issues.

**Haldimand County Water and Wastewater Engineering & Compliance:** No comments received.

**Hydro One:** No comments received.

**Municipal Property Assessment Corporation:** No comments received.

**Mississaugas of the Credit:** No comments received.

**Six Nations:** No comments received.

**Public:** No comments received.

## **Planning Analysis**

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Is the application minor?

**Planning staff comment:** The subject application is seeking relief to permit 53 campground sites where 26 are permitted under special provision DUN 37.59. The application is also seeking relief to permit a campground on a lot with an area of 2.1 hectares where 4 hectares is required. The subject property is able to accommodate the proposed number of sites without requiring relief for the size of individual lots. At the time of the application the subject lands are a separately



conveyable lot; however, it is the intention of the landowner to merge the property with the existing abutting campground. When the lots merge, the area will not longer be deficient.

It is Planning staff's opinion the subject application is minor.

2. Is the application desirable for the appropriate development of the lands in question?

**Planning staff comment:** The subject application is seeking to expand the campground use on the abutting property to include the subject lands. The applicants have worked with the Grand River Conservation Authority (GRCA) to ensure their proposal will comply with relevant policies and that the development can occur outside of the required setbacks for the Lakeshore hazard present on the property. Further, while relief is required to permit more lots on the property the subject lands are of ample size to accommodate the increased number of lots and required amenity space.

It is Planning staff's opinion the subject application is appropriate and desirable.

3. Does the application conform to the general intent of the Zoning By-law?

**Planning staff comment:** The subject property is located in the 'Open Space (OS)' zone subject to special provision DUN 37.59. A campground is a permitted use in the OS zone, however DUN 37.59 limits the number of campground lots to 26. The history and intent of this limitation is unknown. It has been demonstrated that the subject lands are able to accommodate an increased number of units while also complying with the minimum lot size provisions in the By-law. The subject application is also seeking relief to permit a campground on a 2.1 hectare lot where 4 hectares is required. The applicants intend to merge the subject lands with the abutting lands that currently contain a campground. If the lots are not merged, the total number of lots proposed would not fit on the property as new servicing and infrastructure would be required on the lot prior to building permits being issued. It should be noted that due to the size of the on-site sewage system that is being used as part of this development, approvals from the MECP will be required prior to the issuance of building permits. Staff reached out to the MECP for comment and were notified that any concerns would be addressed through MECP processes and they do not comment on individual planning applications.

4. Does the application conform to the general intent of the Official Plan?

**Planning staff comment:** The Official Plan indicates that cultural tourism and leisure opportunities are important aspects of the Haldimand County economy. This sector includes campgrounds. The subject lands are located within a Resort Residential Node which is intended to accommodate growth and development in the Lakeshore Area. Further the Official Plan states that development for outdoor recreation opportunities should be encouraged where appropriate along the Lakeshore.

The Official Plan contains several policies limiting development in areas of Lakeshore Hazards. A portion of the subject lands has been identified as hazard lands and is regulated by the GRCA. The applicants developed their plan in conjunction with the GRCA and have located all development outside of the Lakeshore Hazard area. The applicants are intending to use the hazard area for outdoor recreation to supplement the campground use as permitted under the Lakeshore Hazard Section of the Official Plan.

It is Planning staff's opinion the subject application conforms to the Official Plan.

The subject application meets the four tests of a minor variance.

### **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on August 4, 2021.

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.

Prepared by:



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Neil Stoop, MSc., RPP  
Planner  
905-318-5932 extension 6202

Reviewed by:



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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208

# Location Map FILE #PLA-2021-130 APPLICANT: 859656 Ontario Ltd.



Location:  
**1942 NORTH SHORE DRIVE**  
**GEOGRAPHIC TOWNSHIP OF SHERBROOKE**  
**WARD 5**

Legal Description:  
**SHB CON 1 PT LOT 10 RP 18R2861 PART 3**

Property Assessment Number:  
**2810 025 002 00520 0000**

Size:  
**5.01 Acres**

Zoning:  
**OS (Open Space) & HL (Hazard Lands)**  
**Overlay**

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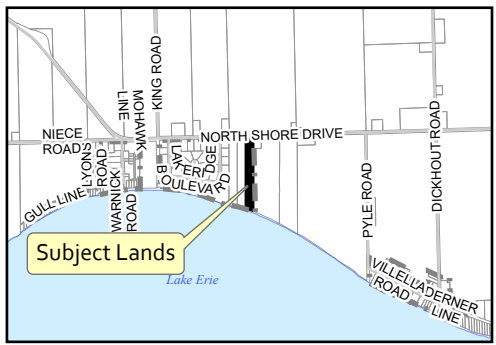
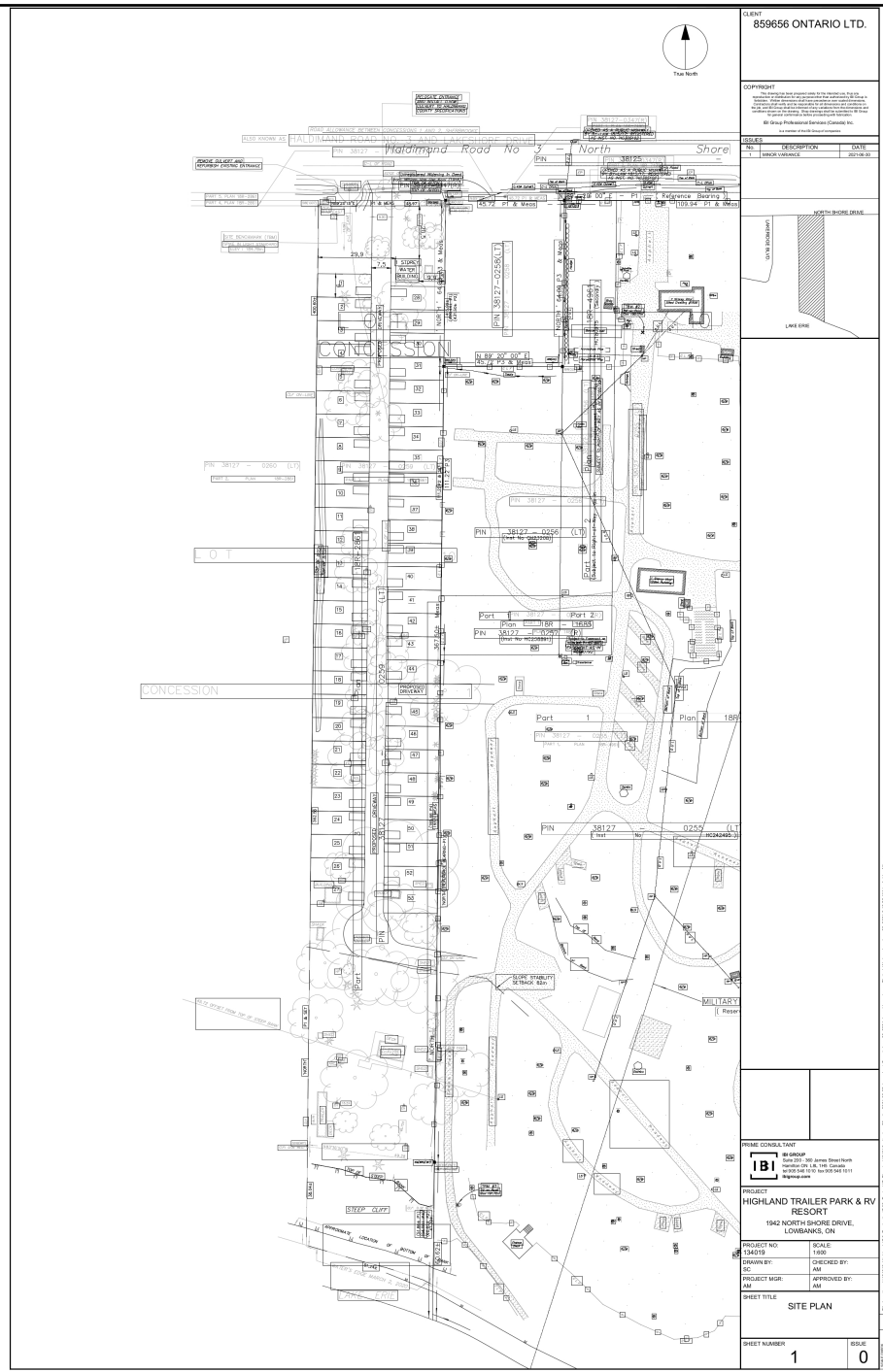


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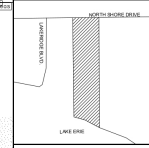
# Owner's Sketch FILE #PLA-2021-130 APPLICANT: 859656 Ontario Ltd.



CLIENT  
859656 ONTARIO LTD.

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FILE #	DESCRIPTION	DATE
1	ISSUE FOR COMMENT	2021-07-01



PROJECT  
HIGHLAND TRAILER PARK & RV RESORT  
1942 NORTH SHORE DRIVE,  
LOWBANKS, ON

PROJECT NO. 134519	SCALE 1:100
DRAWN BY AM	CHECKED BY AM
PROJECT MGR. AM	APPROVED BY AM

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER <b>1</b>	ISSUE <b>0</b>
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