



## Haldimand County Committee of Adjustment Consent

**Meeting Date:** September 21, 2021

**File Number:** PLB-2021-138

**Property Roll Number:** 2810-158-002-59400

**Applicant:** John Sheppard

**Property Location:** Concession 3, Part Lots 1 and 2, Registered Plan 18R5389 Parts 1, 3 & 4, Geographic Township of Rainham, known municipally as 87 Concession 3 Road

### Recommendation

That application PLB-2021-138 be deferred to allow the applicant an opportunity to amend the application. The application is not consistent with the Provincial Policy Statement, 2020 and does not conform to the intent of the Haldimand County Official Plan0.

### Details of the Submission

**Proposal:** The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have frontage of approximately 107.6 metres (353 feet) and will contain an area of approximately 0.85 hectares (2.1 acres). The retained parcel will contain an area of approximately 30.1 hectares (74.4 acres).

**Site Features and Land Use:** The subject lands are located in the geographic township of Rainham, and within the prime agricultural area of the County. The subject lands are approximately 77.3 acres in size and contain a dwelling, a shop, a barn and a wind turbine.

If approved, the severed lands will be approximately 2.23 acres in size with 107.6 metres of frontage on Concession Road 3. The severed lot will contain the existing dwelling and shop. The retained lands will account for the remaining 75.08 acres of land containing the barn and the windmill. The existing barn is proposed to be removed as part of the application.

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

## **Agency & Public Comments**

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

**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.

**Haldimand Country Forestry:** There is little environmental concern that would warrant the larger lot severance. It appears that there is sufficient space between the existing trees to install a new gravel driveway from the road or existing house driveway. The existing small trees could be transplanted to accommodate relocating the driveway.

**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 property is located within the prime agricultural area of the County and is subject to the policies under 2.3.4 of the PPS. Section 2.3.4 discourages lot creation in prime agricultural areas and may only be permitted in specific instances. The PPS permits lot creation for a residence surplus to a farm operation provided it is limited to a minimum size needed to accommodate the use and appropriate sewage and water services and that future development on the retained lands is restricted such that a new dwelling cannot be constructed.

The applicant has submitted a concurrent application that will ensure the retained lands are rezoned such that new residential development will be prohibited. While the proposed lot configuration does accommodate existing appropriate servicing, it has be



expanded to include a secondary entrance. The proposed lot configuration is not limited to the minimum size required to accommodate the residential use and appropriate servicing.

It is opinion of Planning staff that the application does not conform to the PPS.

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

A Place to Grow does not provide surplus farm dwelling criteria. As such, the proposal conforms to A Place to Grow.

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

The OP builds onto the PPS surplus farm dwelling policies providing further details. The OP states that a severance maybe granted for a habitable farm dwelling of a minimum age of 10 years, calculated from the date of occupancy of the dwelling 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. No new residential dwellings shall be permitted on the retained lands.

The farm dwelling located on the subject lands was constructed in 2010. The applicant is currently in the process of constructing a dwelling on an other parcel within the County. As a condition of consent the applicant will be required to provide a copy of the occupancy permit to demonstrate that they own another dwelling. Further, as a condition of consent a Zoning By-law Amendment prohibiting future residential development on the retained lands will need to be approved by Council.

In addition, the OP directs that the creation of surplus farm dwelling lot be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest taken out of production. Consideration of varying the size of the parcel includes ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;

**Planning Comment:** The subject application is proposing to create a surplus farm dwelling lot with an area of approximately 0.9 hectares (2.23 acres). The policy allows for alternative lot sizes to limit fragmentation of farmland, for environmental or topographical reasons or due to the location of existing farm buildings and structures. The applicant has indicated a desire for an increased lot size to include an existing shop and the driveway that currently services the shop. The applicant has also indicated that trees on the property preclude

installing a new driveway to the shop at the rear of the property. While some trees may need to be removed, or moved to accommodate a new driveway closer to the house, the trees hold little environmental value and are not protected by any environmental policies in the Official Plan or other County By-laws. Planning staff are of the opinion the existing trees do not represent environmental justification for the increased lot size.

- b) No severance shall be granted unless the proposed lot can be serviced by an on-site sanitary sewage system designed and installed per the *Ontario Building Code*;

**Planning Comment:** The site is serviced by an existing on-site sanitary sewage system.

- 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 lands;

**Planning Comment:** The proposed lot creation will not adversely affect the operation or viability of the farm.

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

**Planning Comment:** The proposed lot creation will comply with the MDS formulae.

- 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:** The subject lands are not located within 300 metres of a licensed pit or 500 metres from a licensed quarry, and are well removed from waste disposal sites and other potential land use conflicts.

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

**Planning Comment:** The subject lands have existing safe access from Concession 3 Road.

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

**Planning Comment:** The application, as proposed, is not anticipated to have a negative impact on natural or cultural resources.

It is the opinion of Planning staff that the subject application does not conform to the policies of the Official Plan as there is not sufficient justification for a severed lot size greater than 0.6 hectares.

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

The subject lands are zone Agricultural 'A' in the Zoning By-law. The proposal complies with the Zoning By-law provisions. A Zoning By-law amendment application has been submitted to ensure residential development is prohibited on the retained lands.

### **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 August 31, 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:***

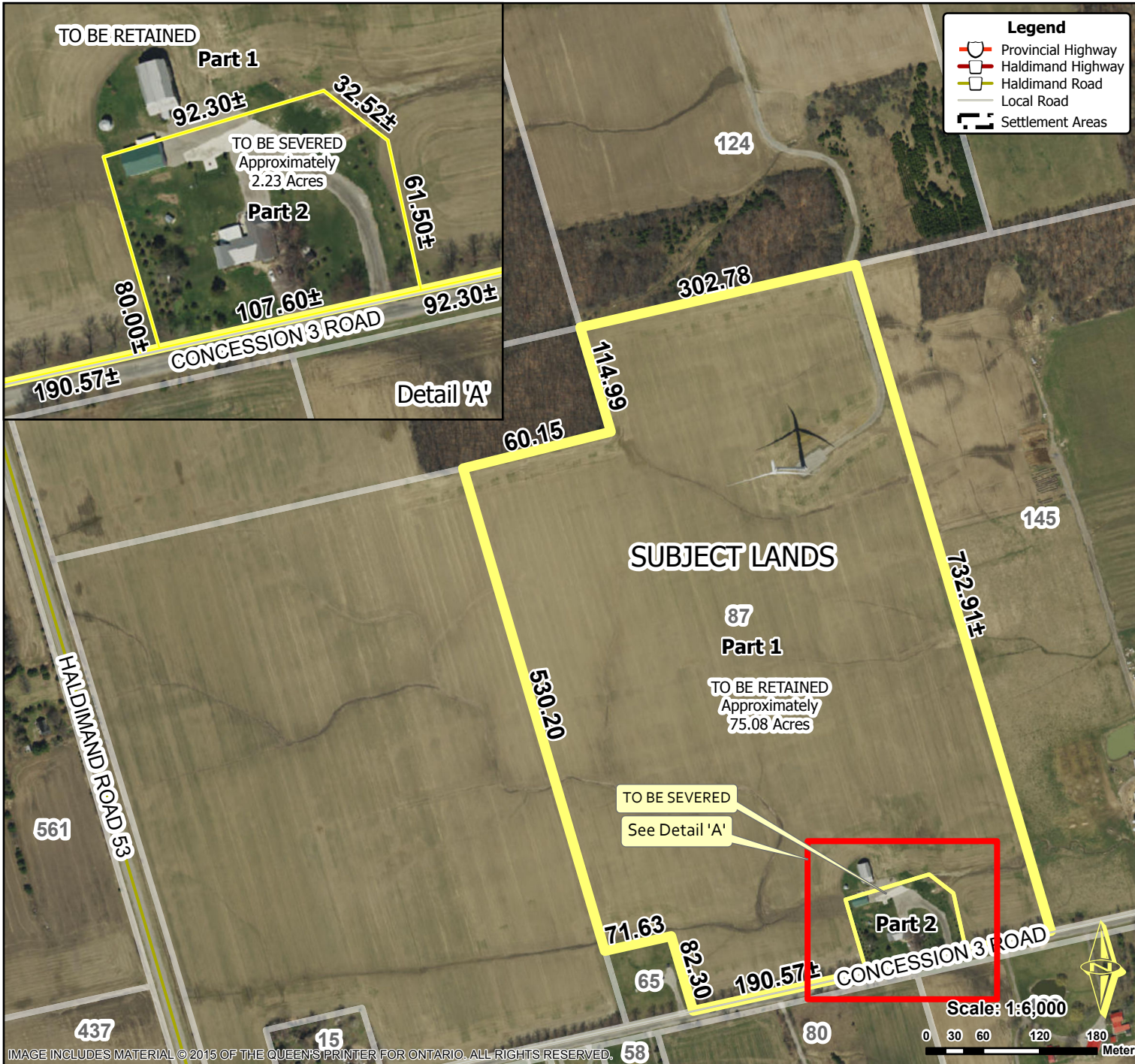
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$308.00 for deed stamping.
2. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
3. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6212 for details.
4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 107.6 metres (353 feet) and will contain an area of approximately 0.85 hectares (2.1 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](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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 2022, after which time this consent will lapse.

**File No. PLB-2021-138**  
**SHEPPARD, John**  
**Assessment Roll No. 2810-158-002-59400**

# Location Map FILE #PLB-2021-138 APPLICANT: Sheppard/Kienitz



**Legend**

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

Location:  
**87 CONCESSION 3 ROAD**  
**GEOGRAPHIC TOWNSHIP OF RAINHAM**  
**WARD 2**

Legal Description:  
**RNH CON 3 PT LOT 1 PT LOT 2 RP 18R5389**  
**PARTS 1,3 & 4**

Property Assessment Number:  
**2810 158 002 59400 0000**

Size:  
**77.31 Acres**

Zoning:  
**A (Agriculture)**

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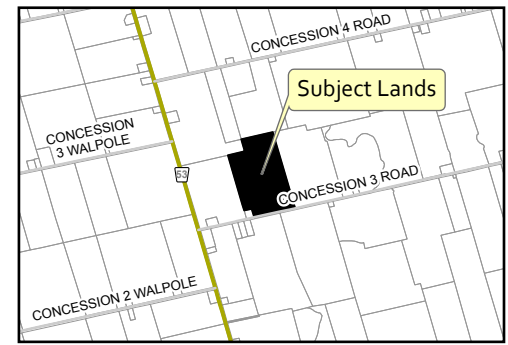
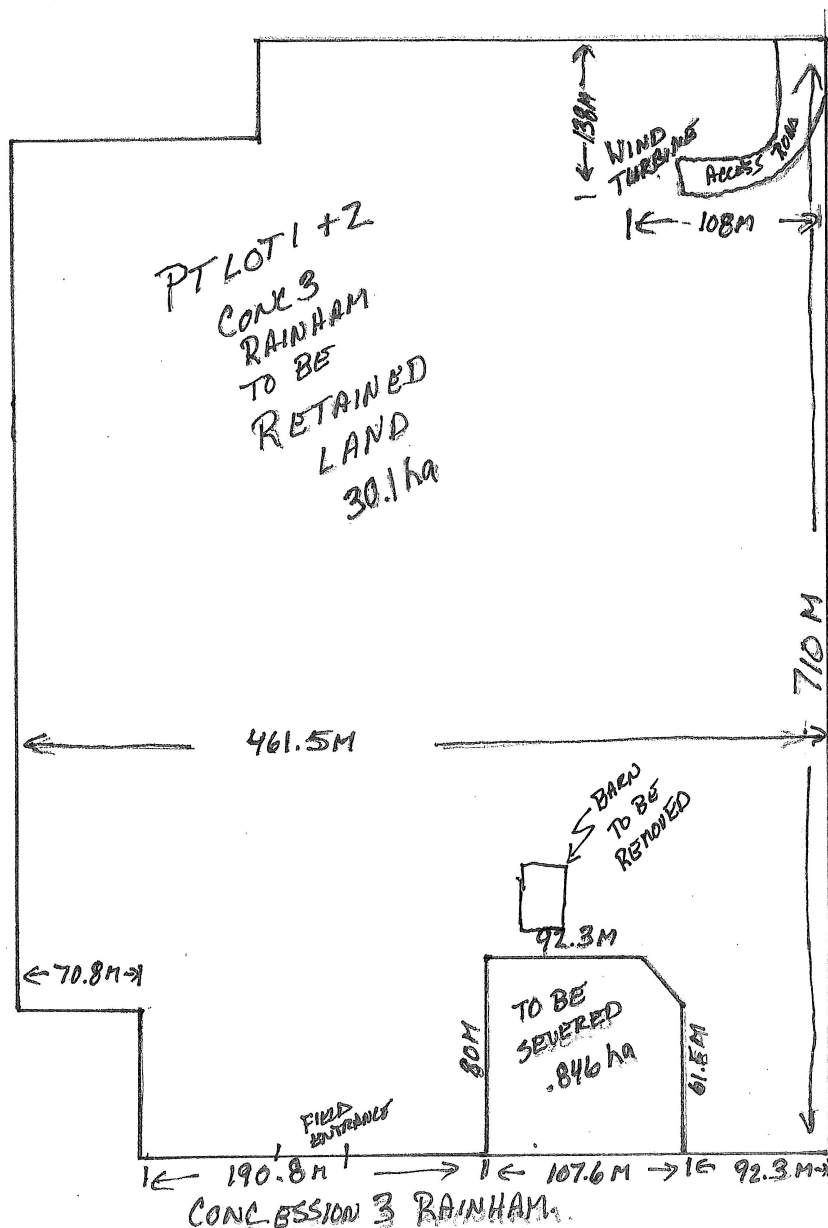


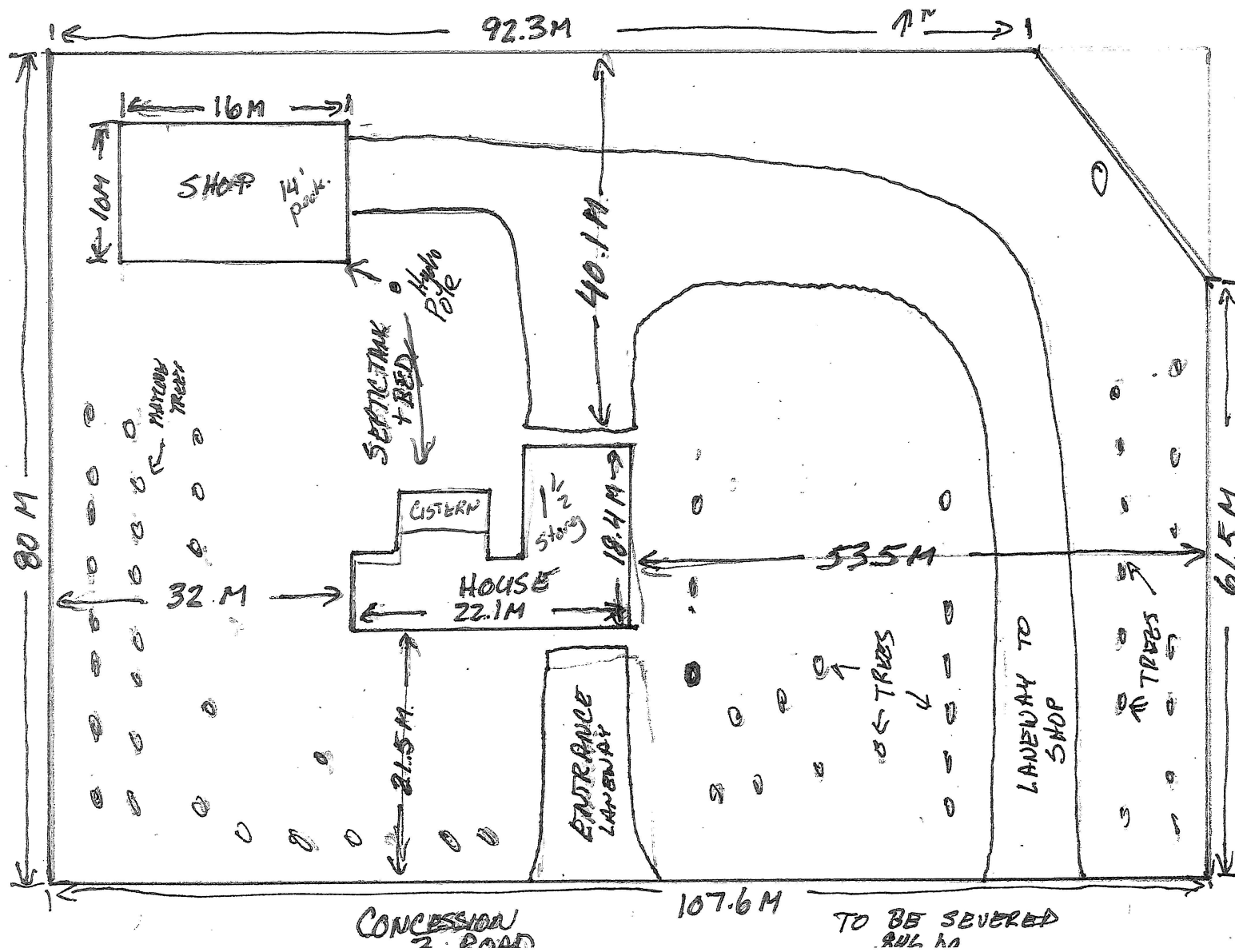
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# Owner's Sketch 1 FILE #PLB-2021-138 APPLICANT: Sheppard/Kienitz



# Owner's Sketch 2 FILE #PLB-2021-138 APPLICANT: Sheppard/Kienitz







## Haldimand County Committee of Adjustment Consent

**Meeting Date:** September 21, 2021

**File Number:** PLB-2021-140

**Property Roll Number:** 2810-021-002-35109

**Applicant:** Fingerprint Homes Ltd.

**Agent:** Adam Moote (LandPro Planning Solutions)

**Property Location:** Concession 4 South of Dover Road, Part Lot 6,  
Registered Plan 18R6973 Part 3, Geographic Township  
of Dunn, known municipally as 3248 Lakeshore Road

### Recommendation

That application PLB-2021-140 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 applicant proposes to sever a vacant lot for future residential development. The severed parcel will have a frontage of approximately 46.3 metres (151.9 feet) and will contain an area of approximately 0.46 hectares (1.14 acres). The retained parcel will have a frontage of approximately 23.15 metres (76 feet) and contain an area of approximately 0.23 hectares (0.57 acres).

**Site Features and Land Use:** The subject lands are currently vacant and are an open field of natural vegetation. The lands to be severed are located within the Resort Residential Node of Blott Point and front onto Lakeshore Road. The abutting properties are residential in nature, with agricultural uses across the road.

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

## **Agency & Public Comments**

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

**Haldimand County Planning & Development Services – Development & Design Technologist:** Entrance permit required for the severed parcel.

**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**

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

The PPS states that settlement areas, such as Resort Residential Nodes, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states that development directed to rural settlement areas should give consideration to rural character, scale of development and service levels. The proposed lot creation is complimentary to the existing development within Blott Point and represents infill development within the settlement boundary. The subject lots will accommodate low density residential uses on private services.

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

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

A Place to Grow directs limited development to existing settlement areas in rural area with a defined boundary such as Blott Point. The subject application is proposing the creation of a new lot in the Blott Point. The resulting lots will be of sufficient size to accommodate on-site servicing and low density residential development.

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

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

The subject lands are designated Resort Residential Node in the OP. The OP supports limited development and infilling within existing Resort Residential Node, such as Blott Point. The subject application is proposing the creation of a new infill residential lot in Blott Point. The proposed lots have frontage on a public road and are sufficient area to accommodate appropriate private services.

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

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

The subject lands are zoned 'Lakeshore Residential (RL)' subject to special provision 37.336. The 'Lakeshore Residential' zone requires a minimum lot area of 925 square metres and frontage of 18 metres. The severed and retained lot have the same dimensions with 23.135 metres of frontage and 2650 square metres (0.655 acres) of area. The proposed lots comply with the minimum lot requirements of the Zoning By-law.

The 'Lakeshore Residential' zone is intended to accommodate seasonal vacation homes, with limited year round residences. Special provision 37.336 permits a year round dwelling on the subject lands.

Planning staff are satisfied the subject application complies with 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 September 4, 2021.

The applicant has not 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, a parkland dedication fee of \$350.00 and a fee of \$308.00 for deed stamping.
2. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County’s Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
3. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6212 for details.
4. That the owner’s solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 46.3 metres (151.9 feet) and will contain an area of approximately 0.46 hectares (1.14 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](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:

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False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree
6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 2022, after which time this consent will lapse.

**File No. PLB-2021-140**  
**FINGERPRINT HOMES LTD.**  
**Assessment Roll No. 2810-021-002-35109**



# Location Map FILE #PLB-2021-140 APPLICANT: Fingerprint Homes Ltd.



**Location:**  
 3248 LAKESHORE ROAD  
 GEOGRAPHIC TOWNSHIP OF DUNN  
 WARD 5

**Legal Description:**  
 DUNN CON 4 SDR PT LOT 6 RP 18R6973  
 PART 3

**Property Assessment Number:**  
 2810 021 002 35109 0000

**Size:**  
 1.13 Acres

**Zoning:**  
 RL (Lakeshore Residential),  
 MNR Unevaluated Wetland

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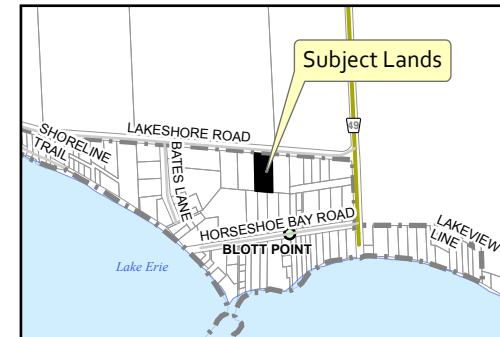
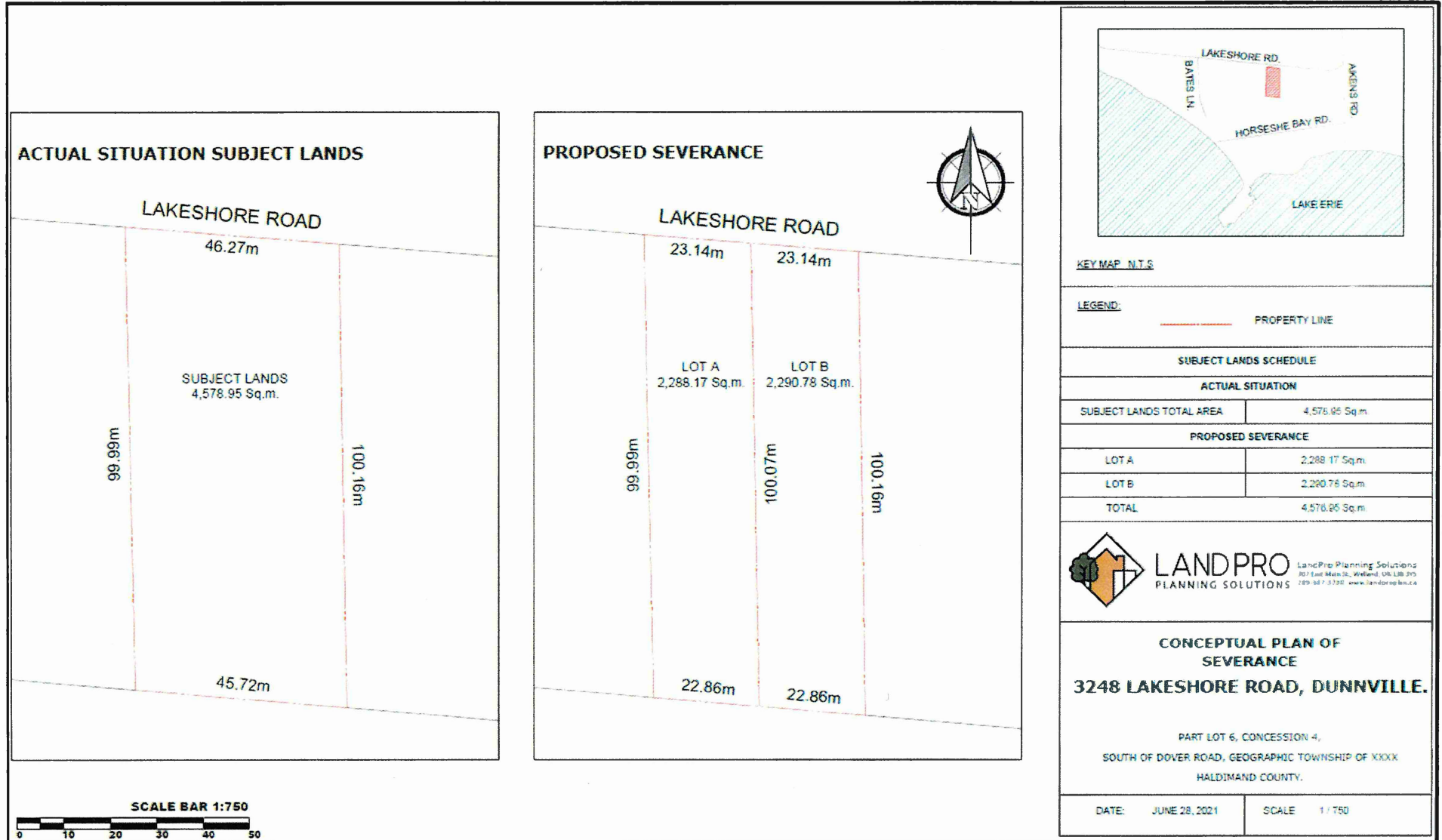


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# Owner's Sketch FILE #PLB-2021-140 APPLICANT: Fingerprint Homes Ltd.







## Haldimand County Committee of Adjustment Consent

**Meeting Date:** September 21, 2021  
**File Number:** PLB-2021-148  
**Property Roll Number:** 2810-332-002-71700  
**Applicant:** William Jacob Cronk  
**Agent:** Michael Sullivan (LandPro Planning Solutions)  
**Property Location:** Concession 1, Part Lot 16, Geographic Township of Walpole, known municipally as 333 Brooklin Road

### Recommendation

That application PLB-2021-148 be refused. The application is not consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and does not conform to the intent of the Haldimand County Official Plan.

### Details of the Submission

**Proposal:** The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 3.6 hectares (8.9 acres). The property is to provide additional space and access for the benefitting lands.

**Site Features and Land Use:** The subject lands are located in the geographic township of Walpole within the prime agricultural area of the County. The subject lands are 46.25 acres in size fronting onto to Brooklin Road. The subject lands contain a dwelling and related accessory structures. The Sandusk Creek and related hazard lands are also located on the property.

The benefitting lands in the subject application are approximately 1.9 acres in size with frontage on Brooklin Road. The benefitting lands are currently vacant with the driveway for the adjacent farm land on the property. The property is also impacted by the hazard lands associated with Sandusk Creek.

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

## **Agency & Public Comments**

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

**Haldimand County Planning & Development Services – Development & Design Technologist:** Entrance permit required for the severed parcel, if one has not yet been issued.

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

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

**Long Point Region Conservation Authority:** A permit must be obtained prior to any development within the Regulation Limit.

**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:** A letter was received from Brian and Rebecca VanBenthem expressing concern or access and traffic, should the consent be granted.

## **Planning Analysis**

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

The PPS is intended to be read in its entirety and all relevant policies applied to each situation. All planning decisions are to be consistent with the policies of the PPS.

The subject lands are located within a prime agricultural area of the County. Section 2.3 of the PPS outlines the policies that apply to prime agricultural area. Section 2.3.1 states that “Prime agricultural areas shall be protected for long term use for agriculture.” The subject application will result in farmland being removed from active production.

Boundary adjustments are subject to the policies under 2.3.4 of the PPS. Section 2.3.4.2 permits lot adjustments for legal or technical reasons. The PPS defines legal or technical reasons as, “severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.” The subject application will not result in a new lot being created, however,

it does not represent a minor application, or an easement, correction of deed or quit claim.

It is the opinion of Planning staff that the subject application is not consistent with the PPS.

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

A Place to Grow builds on the policies of the PPS and speaks to the long-term protection of agricultural areas and the strengthening of the agricultural system. The subject application does not strengthen the agricultural system or serve for long term protection of agriculture.

It is Planning staff's opinion the subject application does not conform to a place to grow.

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

The subject lands and the benefitting lands are designated 'Agriculture' in the Haldimand County Official Plan. The OP permits severances for legal or technical reasons, including minor boundary adjustments so long as the viability and functionality of the farm is not impacted long term. The subject application will result in approximately 9.03 acres of land that is currently part of a farm being boundary adjusted to a small vacant property for rural residential use. The lands to be adjusted are made up of a creek and related hazard lands as well as lands in active agricultural production.

It is the opinion of Planning staff that the subject application does not conform to the Official Plan.

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

The subject lands and the benefitting lands are zoned 'Agriculture (A)' zone. Both of the resulting lots will comply with the required frontage and area 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 August 26, 2021.

The applicant has not 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 William Jacob Cronk. and further identified as Roll # 2810-332-002-71850, 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 William Jacob Cronk and further identified as Roll # 2810-332-002-71850.
4. 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. 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
6. That the 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.
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, approximately 3.6 hectares (8.9 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](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

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

**File No. PLB-2021-148**  
**CRONK, William Jacob**  
**Assessment Roll No. 2810-332-002-71700**



# Location Map FILE #PLB-2021-148 APPLICANT: Cronk



**Location:**  
 333 BROOKLIN ROAD  
 GEOGRAPHIC TOWNSHIP OF WALPOLE  
 WARD 1

**Legal Description:**  
 WAL CON 1 PT LOT 16

**Property Assessment Number:**  
 2810 332 002 71700 0000

**Size:**  
 46.25 Acres

**Zoning:**  
 A (Agriculture), LPRCA Regulated Lands,  
 HCOP Riverine Hazard Lands, MNR  
 Unevaluated Wetland

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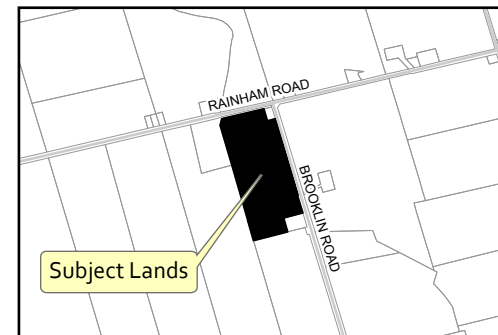
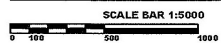
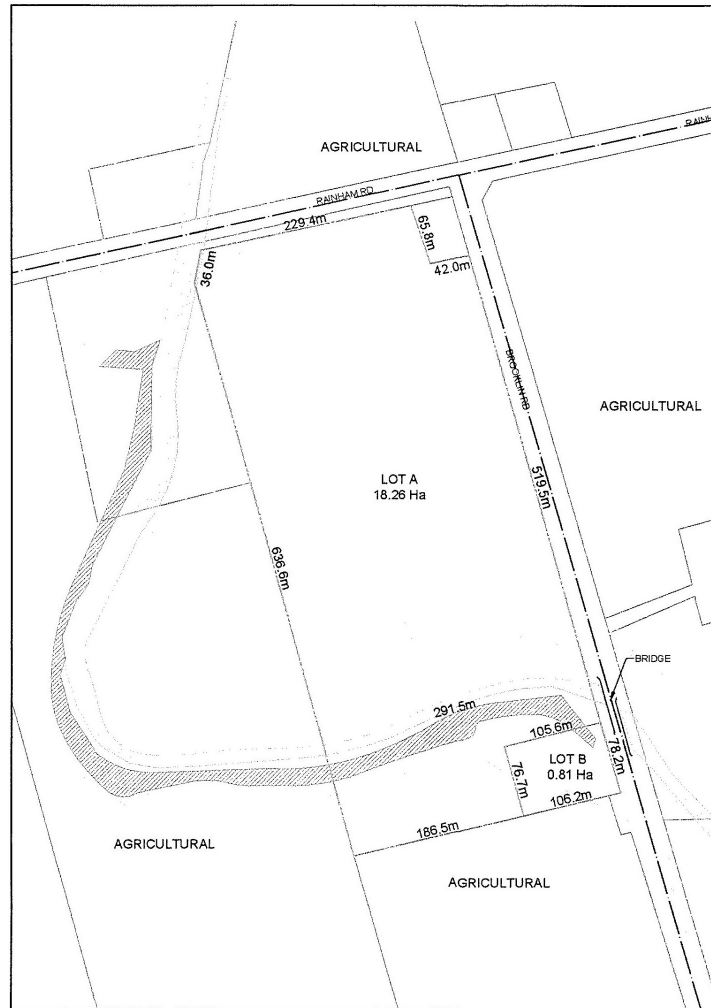


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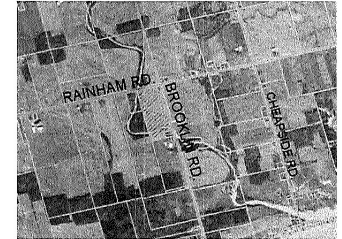
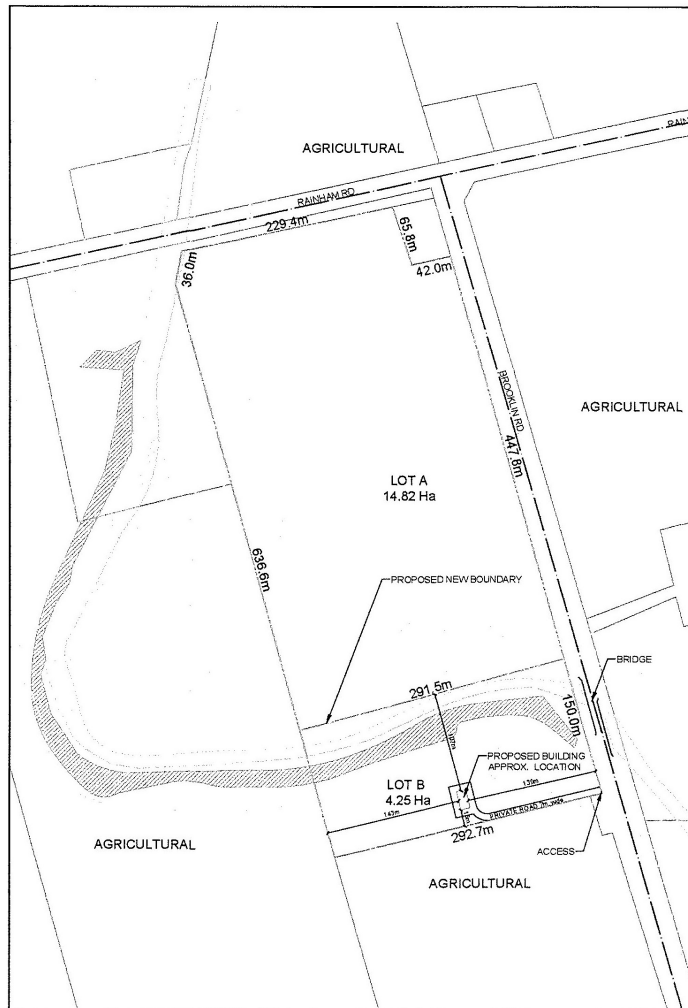
# Owner's Sketch FILE #PLB-2021-148 APPLICANT: Cronk



## ACTUAL SITUATION



## PROPOSED BOUNDARY ADJUSTMENT



KEY MAP N.T.S.

### LEGEND:

- PROPERTY LINE
- Long Point Region Conservation Authority - Ontario Regulation 178/6
- Riverine Hazard Lands - Haldimand County OP
- Unevaluated Wetland
- Watercourse

### PROPOSED SEVERANCE

ACTUAL SITUATION	
TOTAL AREA	18.26 Ha./ 45.12 Acres
LOT B	0.81 Ha./ 2.00 Acres

PROPOSED SEVERANCE	
LOT A	14.82 Ha./ 36.62 Acres
LOT B	4.25 Ha./ 10.50 Acres

TOTAL AREA	19.07 Ha./ 47.12 Acres
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## CONCEPTUAL PLAN BOUNDARIES ADJUSTMENT 333 BROOKLIN RD., HALDIMAND COUNTY

PART LOT 16, CONCESSION 1, HALDIMAND COUNTY

DATE: JULY 19, 2021

SCALE: 1 / 5000







## Haldimand County Committee of Adjustment Consent

**Meeting Date:** September 21, 2021

**File Number:** PLB-2021-150

**Property Roll Number:** 2810-332-006-00500

**Applicant:** Sydney Smith and Michael Almas

**Property Location:** Concession 13, Part Lot 4, Geographic Township of Walpole, known municipally as 262 Concession 13 Walpole

### Recommendation

That application PLB-2021-150 be deferred to allow the applicant an opportunity to amend the application. The application is not consistent with the Provincial Policy Statement, 2020 and does not conform to the intent of the Haldimand County Official Plan.

### Details of the Submission

**Proposal:** The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 48.6 hectares (120 acres). The purpose is to provide additional agricultural land for the benefitting lands. The retained parcel will contain an existing dwelling and accessory structures, will have a frontage of 70 metres (229.7 feet), and contain an area of approximately 1.33 hectares (3.3 acres).

**Site Features and Land Use:** The subject lands are located in the geographic township of Walpole, and within the prime agricultural area of the County. The subject lands are approximately 50 acres in size and contain a dwelling and old farm buildings of varying condition.

If approved, the retained lands will be approximately 3.29 acres in size with 70 metres of frontage on Concession 13 Walpole. The retained lot will contain the existing dwelling and the old farm buildings. The severed lands will account for the remaining 46.71 acres of land, predominantly made up of actively farmed area. The severed lands will be merged with the adjacent lands currently under active agricultural production.

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

## **Agency & Public Comments**

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

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

**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**

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

The subject property is located within the prime agricultural area of the County and is subject to the policies under 2.3.4 of the PPS. Section 2.3.4.2 permits lot adjustments for legal or technical reasons including minor boundary adjustments in prime agricultural areas provided that no new lots are created. The subject application will not result in a new lot being created as the severed lands will be added to the adjacent farm. The subject application does not represent a minor boundary adjustment and a legal or technical reason has not been presented.

It is the opinion of Planning staff that the subject application is not consistent with the PPS.

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

A Place to Grow does not provide criteria for agricultural boundary adjustments. As such, the proposal conforms to A Place to Grow.

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

The OP builds onto the PPS policies by permitting,

“severances for legal or technical reasons including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm.”

The proposed application does not represent a minor boundary adjustment and no legal or technical reason has been provided. Further, while the bulk of the land will be merged with the adjacent farmland, additional lands will be removed from active or potential production impacting the functionality of the farm. The retained lands, which are currently part of a farm operation, would become a residential lot which represents a potential new land use conflict in the prime agricultural area.

It is the opinion of Planning staff that the subject application does not conform to the Official Plan.

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

The subject lands are zone Agricultural ‘A’ in the Zoning By-law. The proposal complies with the Zoning By-law provisions.

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

A public notice sign was not posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

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 Ferdinand Haupt. and further identified as Roll # 2810-332-006-00400, 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 Ferdinand Haupt and further identified as Roll # 2810-332-006-00400.
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's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 48.6 hectares (120 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](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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 2022, after which time this consent will lapse.

***File No. PLB-2021-150***

***SMITH, Sydney and ALMAS, Michael***

***Assessment Roll No. 2810-332-006-00500***

# Location Map FILE #PLB-2021-150 APPLICANT: Smith/Almas



**Location:**  
 262 CONCESSION 13 WALPOLE  
 GEOGRAPHIC TOWNSHIP OF WALPOLE  
 WARD 1

**Legal Description:**  
 WAL CON 13 PT LOT 4

**Property Assessment Number:**  
 2810 332 006 00500 0000

**Size:**  
 50.0 Acres

**Zoning:**  
 A (Agriculture)

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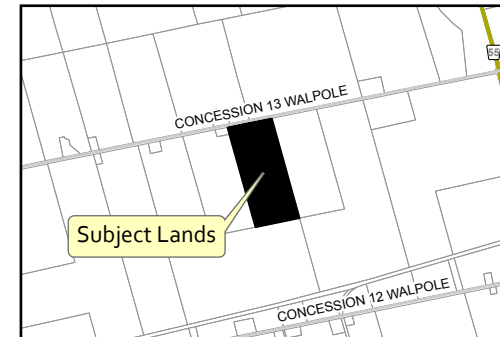


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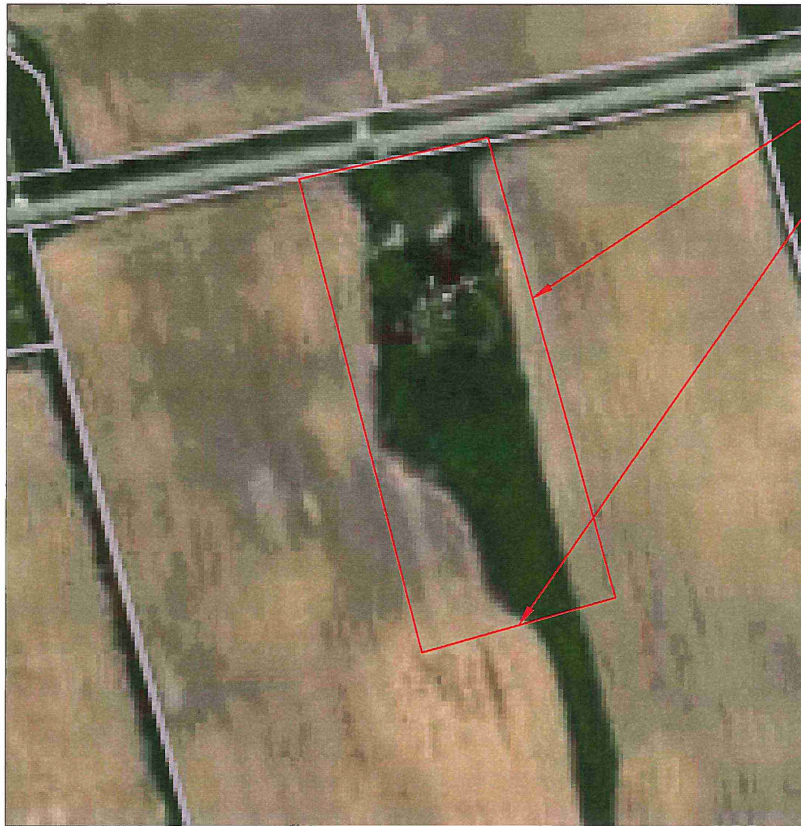


# Owner's Sketch 1 FILE #PLB-2021-150 APPLICANT: Smith/Almas





# Owner's Sketch 2 FILE #PLB-2021-150 APPLICANT: Smith/Almas



190m

70m

With the dimensions shown, this will retain all current dwellings and mature forestry, leaving the land remaining to support residential use.



## Haldimand County Committee of Adjustment Consent

**Meeting Date:** September 21, 2021

**File Number:** PLB-2021-144

**Property Roll Number:** 2810-021-001-06700

**Applicant:** Travis Sheldrake and Erin Roberts

**Property Location:** Haldimand Tract, Part Lot 24, Registered Plan 18R1666 Part 1, Geographic Township of Dunn, known municipally as 51 Haldimand Trail

### Recommendation

That application PLB-2021-144 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 proposal is to sever a vacant lot for future residential development. The severed parcel will have a frontage of approximately 27.1 metres (89 feet) and will contain an area of approximately 0.19 hectares (0.47 acres). The retained parcel will also have a frontage of approximately 27.1 metres (89 feet) and contain an area of approximately 0.19 hectares (0.47 acres).

**Site Features and Land Use:** The subject lands currently contain a duplex dwelling and are located within the hamlet of Byng, fronting on Haldimand Trail. The existing duplex is to be located on the retained lands, and the proposed severed lands are vacant. The existing septic system is located on the proposed severed lands. As part of the application a new septic system is proposed for the retained lands. The surrounding lots are residential in nature.

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

## **Agency & Public Comments**

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

**Haldimand County Planning & Development Services – Development & Design Technologist:** Full lot grading plan required for the severed parcel. Confirmation of well/ cistern and septic location required for the retained lot. Entrance permit required for severed parcel.

**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**

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

The PPS states that settlement areas, including hamlets, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states the development directed to rural settlement areas should give consideration to rural character, scale of development and service levels. The proposed lot creation is complimentary to the existing development within Byng, and will represent infilling within the settlement boundary. The severed lot will accommodate a low density residential use on private services.

It is the opinion of Planning staff that the subject application is consistent with the PPS.

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

A Place to Grow directs limited development to existing settlement areas in rural areas with a defined boundary such as Byng. The subject application is proposing the creation of new residential lot within the hamlet of Byng. The lot is of sufficient size to accommodate onsite servicing and low density residential development.

It is the opinion of Planning staff that the subject application complies with A Place to Grow.

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

The subject lands are designated Hamlet in the OP. The OP permits and encourages lot creation within the Hamlet designation for residential infilling. The subject application is proposing one new residential lot within the Hamlet of Byng. The proposed lots have frontage on a public road. Both the severed and retained lots will require new onsite septic systems and will be required to comply with the provisions of the Ontario Building Code.

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

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

The subject lands are zoned 'Hamlet Residential (RH)'. The 'Hamlet Residential' zone requires a minimum lot area of 1,855 square metres and a frontage of 30 metres. The proposed severed and retained lots have the same dimensions with an area of approximately 1861.5 square metres and a frontage of 27.105 metres. The proposed lot areas comply with the provisions of the zoning by-law. A concurrent minor variance application has been submitted as the proposed lot frontage is less than the required 30 metres.

The existing duplex on the property is not permitted in the 'Hamlet Residential' zone. It has been confirmed that the duplex represents a legal non-conforming use and is permitted to continue.

It is Planning staff's opinion the subject application complies with the Zoning By-law, subject to the approval of the concurrent minor variance application.

### **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 August 24, 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, a parkland dedication fee of \$350.00 and a fee of \$308.00 for deed stamping.
2. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. That a septic evaluation for severed parcel be completed and submitted **to the Secretary-Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
4. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6212 for details.
5. Receipt of confirmation from the owner of the location of the well/cistern on the severed parcel prior to the signing of the certificate by the Secretary-Treasurer.
6. Receipt of final approval of the concurrent minor variance. For further information, please contact Planning Staff at 905-318-5932.
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 27.1 metres (89 feet) and will contain an area of approximately 0.19 hectares (0.47 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](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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 2022, after which time this consent will lapse.

***File No. PLB-2021-144  
SHELDRAKE, Travis and ROBERTS, Erin  
Assessment Roll No. 2810-021-001-06700***



## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** September 21, 2021  
**File Number:** PLA-2021-145  
**Property Roll Number:** 2810-021-001-06700  
**Applicant:** Travis Sheldrake and Erin Roberts  
**Property Location:** Haldimand Tract, Part Lot 24, Registered Plan 18R1666 Part 1, Geographic Township of Dunn, known municipally as 51 Haldimand Trail

### Recommendation

That application PLA-2021-145 be approved. The application meets the four tests of a minor variance.

### Details of the Submission

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

Development Standards	Required	Proposed	Deficiency
Lot Frontage	30 metres (98.4 feet)	26.97 metres (88.5 feet)	3.03 metres (9.9 feet)

The relief is requested to permit the deficiencies created by the concurrent consent application.

**Site Features and Land Use:** The subject lands currently contain a duplex dwelling and are located within the Hamlet of Byng, fronting on Haldimand Trail. A concurrent consent application has been submitted to create the subject lots. The existing duplex is to be located on the retained lands and the proposed severed lands are vacant. The existing septic system is located on the proposed severed lands. As part of the applications a new septic system is proposed for the retained lands. The surrounding lots are residential in nature.

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

## Agency & Public Comments

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

**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.

**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. 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 (OP). The subject application will facilitate the creation of a new residential lot through a concurrent consent application. The proposed lots will have frontage on a public road and both lots will require new onsite septic systems and will be required to comply with all provisions of the Ontario Building Code.

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

2. 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 'RH' zone requires a minimum lot area of 1,855 square metres and a frontage of 30 metres. The subject application requires 3.03 metres of relief to permit 26.97 metres of frontage. The proposed lot creation does not require relief for lot area. The intent of the minimum frontage provision is to ensure adequate

space for safe entrances and to provide ample space for structures on adjacent lots. The existing duplex on the subject lands is accessed by a driveway on Secord Street. The proposed lot will be accessed from Haldimand Trail mitigating concerns related to access spacing. Further, the proposed lots have adequate width to accommodate structures in compliance with the required setbacks.

The duplex use on the property was established prior to 1988 when a permit was issued for a septic system to 'serve a Duplex'. Staff are satisfied the existing duplex represents a legal non-conforming use and is permitted to continue.

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

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

**Planning staff comment:** The subject application will facilitate the creation of a new low density residential building lot in the hamlet of Byng. The subject lot has adequate area to accommodate lot creation, and while the lot frontage is deficient, the subject lands currently front onto both Haldimand Trail and Secord Street, where the current driveway exists.

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

4. Is the application minor?

**Planning staff comment:** For the reasons stated above it is the opinion of Planning Staff that the application is minor.

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 24, 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

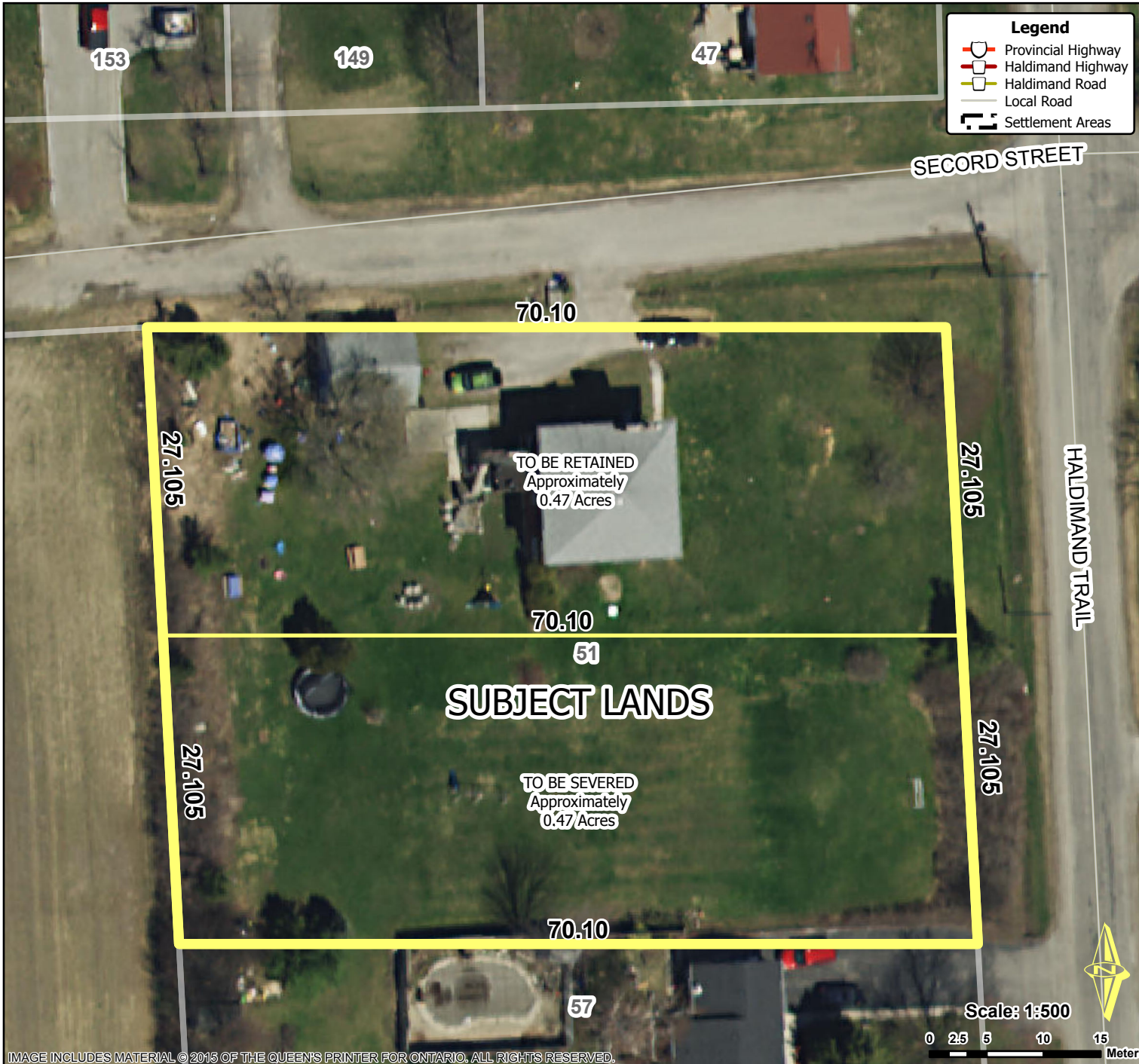
Reviewed by:



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

# Location Map FILE #PLB-2021-144 & PLA-2021-145 APPLICANT: Sheldrake/Roberts



**Location:**  
**51 HALDIMAND TRAIL**  
**GEOGRAPHIC TOWNSHIP OF DUNN**  
**WARD 5**

**Legal Description:**  
**DUN TRACT HALDIMAND PT LOT 24 RP**  
**18R1666 PART 1**

**Property Assessment Number:**  
**2810 021 001 06700 0000**

**Size:**  
**0.94 Acres**

**Zoning:**  
**HR (Hamlet Residential)**

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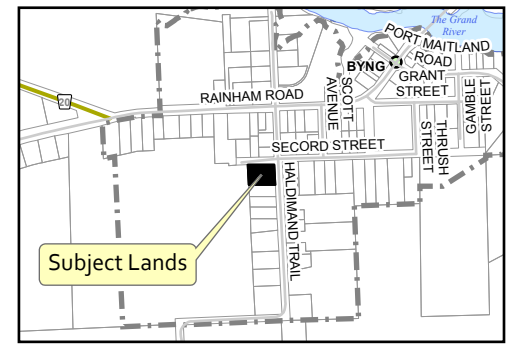
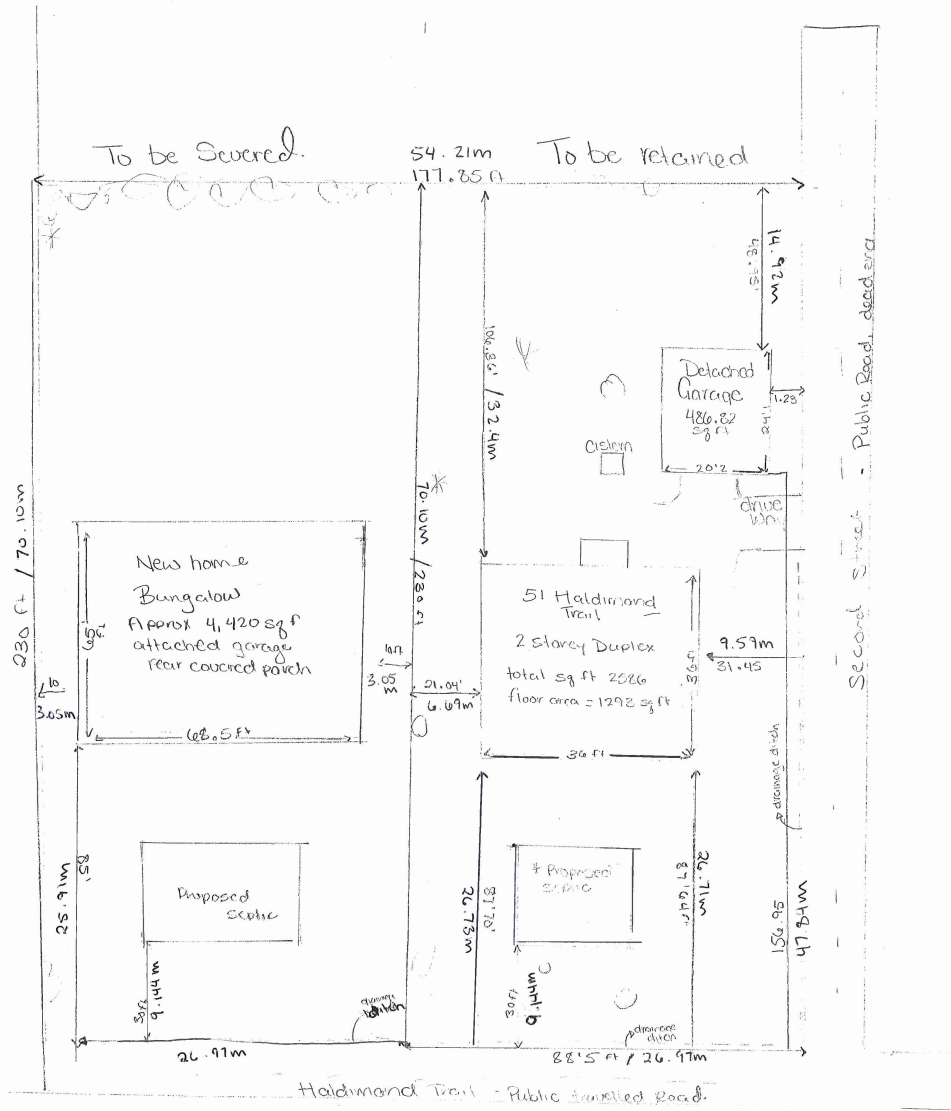
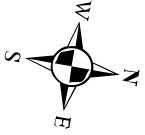


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# Owner's Sketch 2 FILE #PLB-2021-144 & PLA-2021-145 APPLICANT: Sheldrake/Roberts



\* Current septic is on property to be severed  
would be moved to front of retained property \*



## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** September 21, 2021  
**File Number:** PLA-2021-141  
**Property Roll Number:** 2810-330-020-13700  
**Applicant:** Ryan and Judy Schuurman  
**Agent:** Kim Hessels  
**Property Location:** Concession 5, Part Lot 21, Geographic Township of Woodhouse, known municipally as 1706 Concession 6 Woodhouse

### Recommendation

That application PLA-2021-141 be approved. The application meets the four tests of a minor variance.

### Details of the Submission

**Proposal:** This application is a condition of Consent Application PLB-2021-010, which was approved at the May 18, 2021 Committee of Adjustment meeting. Relief is requested from the lot frontage provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Frontage	30 metres (98.4 feet)	7 metres (23 feet)	23 metres (75.5 feet)

The relief is requested to permit the deficiencies created by the related consent application.

**Site Features and Land Use:** The subject lands front onto the south side of Concession 6 Woodhouse, in the former geographic township of Woodhouse, and have a total area of approximately 0.6 hectares (1.5 acres). The subject lands contain a farmhouse and accessory structure.

**Existing Intensive Livestock Operations:** No livestock were observed on the property during site inspection on Tuesday, August 31, 2021.

## **Agency & Public Comments**

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

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

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

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

**Long Point Region Conservation:** 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. Does the application conform to the general intent of the Official Plan?

**Planning staff Comment:** The Provincial Policy Statement, 2020 (PPS) requires surplus farm dwelling lots to be limited to the size needed to accommodate the use and appropriate sewage and water services. Further, the planning authority must ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The Haldimand County Official Plan (OP) builds onto the PPS policies and requires surplus farm dwelling severances to generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and to minimize the amount of agricultural land or productive forest taken out of production. The applicants had previously worked with staff to propose severing an existing surplus farm dwelling and accessory structure with a frontage of approximately 7 metres (23 feet) and an area of approximately 0.6 hectares (1.5 acres). The proposed lot frontage will not affect the usability of the lot and allows

for the most minimal amount of land to be removed from production. The proposal is consistent with the PPS.

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

**Planning staff comment:** The subject lands are zoned 'Agricultural (A)' which permits a single family dwelling and associated structures. Staff is of the opinion that the requested relief is appropriate for the subject lands. Lot size requirements are such to accommodate a dwelling, water services, and a septic system. The proposed frontage provides ample space for a driveway to access the severed lands. The proposed relief takes into consideration the existing lot coverage in terms of the size and location of structures, and a lot fabric that keeps as much viable farmland intact for agricultural purposes, and is in keeping with the general intent of the Haldimand County Zoning By-law.

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

**Planning staff comment:** The intent of the subject application is to facilitate the creation of a new lot, proposed as a surplus farm dwelling severance. Staff previously determined that the amended severance proposal (brought to the Committee of Adjustment on May 18, 2021) was appropriate and satisfied Provincial and County policy frameworks. The Provincial Policy Statement requires prime agricultural areas to be protected for long-term use for agriculture. When a surplus farm dwelling severance is permitted, the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. As such the reduced frontage is desirable as to prevent further agriculture lands from being taken out of production.

4. Is the application minor?

**Planning staff comment:** The subject lands are located within a rural area and are surrounded by agricultural and rural residential uses. The subject lands are proposed to exhibit a lot frontage that will not adversely affect the surrounding area. This narrow frontage has been proposed in an effort to reduce the overall amount of land being severed from the farm. Due to the context of the area, size of the subject parcel and the surrounding lot fabric, the relief that has been requested for a reduced lot frontage will not, in staff's opinion, offend the character of the neighbourhood. This will ensure that farmland is not unnecessarily removed and will ultimately ensure that the proposal is consistent with the PPS.

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

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

A public notice sign was not posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

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

Reviewed by:



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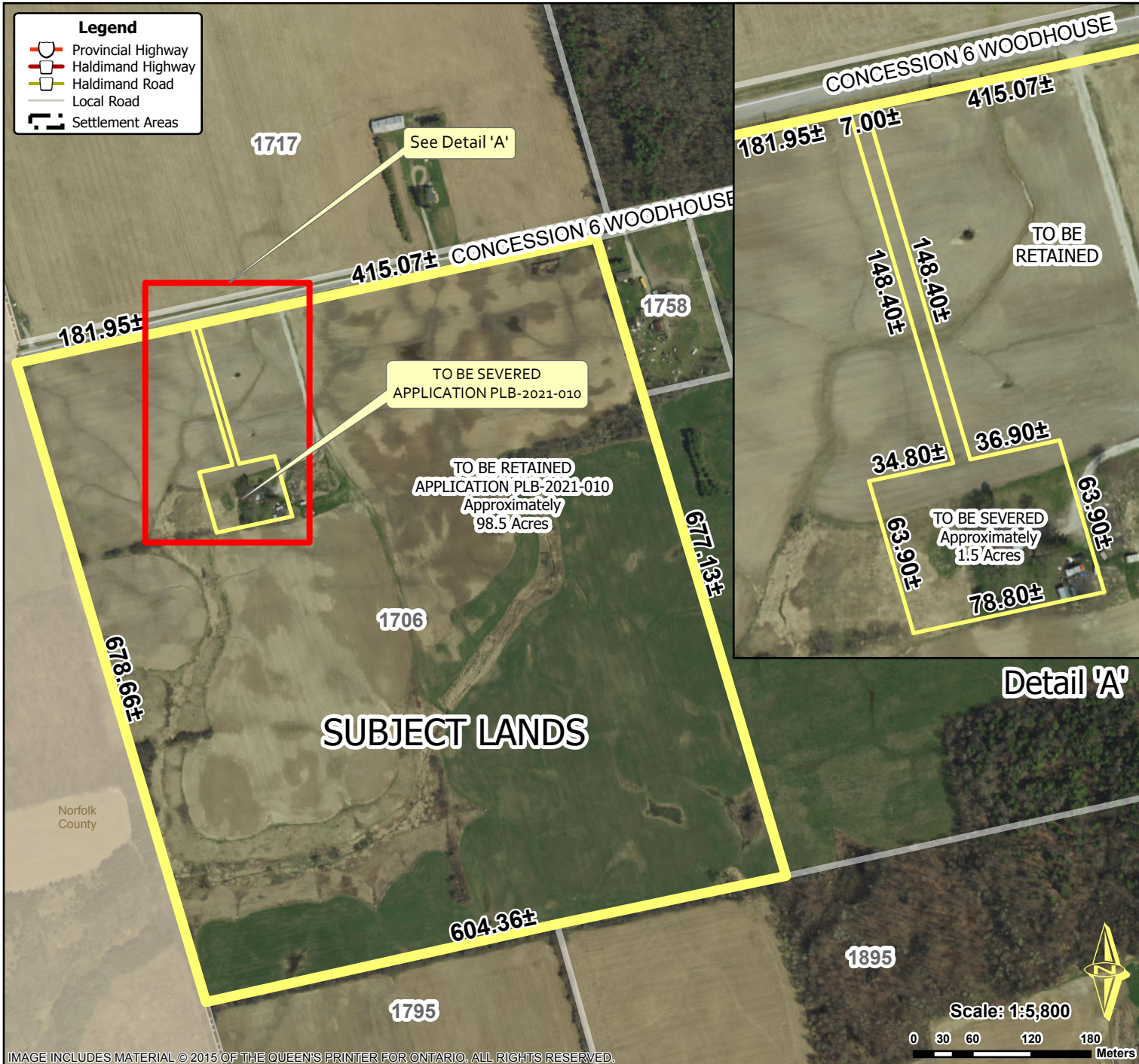
Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208



# Location Map FILE #PLA-2021-141 APPLICANT: Schuurman



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



**Location:**  
1706 CONCESSION 6 WOODHOUSE  
GEOGRAPHIC TOWNSHIP OF WOODHOUSE  
WARD 1

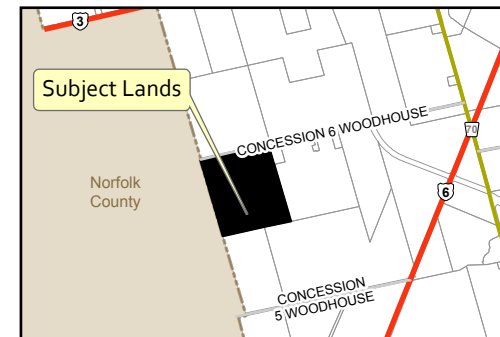
**Legal Description:**  
WDH CON 5 PT LOT 21

**Property Assessment Number:**  
2810 330 020 13700 0000

**Size:**  
100 Acres

**Zoning:**  
A (Agricultural)

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## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** September 21, 2021  
**File Number:** PLA-2021-147  
**Property Roll Number:** 2810-152-005-22200  
**Applicant:** Paul Brown  
**Agent:** Terry Brown  
**Property Location:** Plan 63 RCP, Lot 11, Geographic Township of Seneca,  
Hamlet of Unity Side Road, known municipally as 17 Unity  
Side Road

### Recommendation

That application PLA-2021-147 be approved. The application meets the four tests of a minor variance.

### Details of the Submission

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

Development Standards	Required	Proposed	Deficiency
Height of Building	4.5 metres (14.8 feet)	5.48 metres (18 feet)	0.98 metres (3.2 feet)
Accessory Building Area	100 square metres (1076 square feet)	111.5 square metres (1200 square feet)	11.5 square metres (124 square feet)

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

**Site Features and Land Use:** The subject lands are located in the Hamlet of Unity Side Road and front onto the south side of Unity Side Road. The parcel contains a single detached dwelling with an attached garage. The abutting property to the west is zoned Neighbourhood Intuition containing a church and small cemetery, with agricultural lands to the south, and a residential use to the east.

**Existing Intensive Livestock Operations:** No livestock were observed on or near the property during site inspection on Tuesday, August 31, 2021.

## **Agency & Public Comments**

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

**Haldimand County Planning & Development Services – Development & Design Technologist:** Ensure drainage does not affect adjacent cemetery.

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

**Planning staff Comment:** The subject lands are designated Hamlet. The predominant land use within the Hamlet designation shall be low density residential housing, including single and semi-detached dwellings and apartments associated with commercial uses. Limited, appropriately scaled commercial, industrial and institutional and agriculturally related uses are also permitted. The proposed detached garage is accessory to the primary dwelling and does not offend the Official Plan.

2. 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 Zoning By-law permits residential accessory buildings altogether to occupy up to 10% of the lot area or 100 square metres on lots zoned 'RH' that are less than 0.4 hectares (1 acre) in size. The subject lands are 0.31 hectares

(0.76 acres) in size. The purpose of the maximum combined residential accessory structure size is to ensure that residential accessory structures remain secondary to the principal use of the property (in this case, hamlet residential), that they are an appropriate size and scale for the neighbourhood or area, and that there is appropriate lot grading around the structures, etc. The accessory structure is an appropriate size for the subject lands, and is shorter than the principal dwelling. The combined accessory structure size will occupy 3.64% of the lot area, and as such, it will not overwhelm the lot from an aesthetic and functional perspective. Overall, it is Planning staff's opinion that the proposal generally satisfies the intent and purpose of the Zoning By-law.

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

**Planning staff comment:** The proposed detached garage is to serve as an accessory use, secondary to the residential use. The purpose of the garage is to store and work on hobby equipment used to maintain the property. Accessory structures are permitted in residential zones, subject to the provisions in section 4.2 of the Haldimand County Comprehensive Zoning By-Law. The proposed accessory structure is located on the west side (rear) behind such that it will not have an affect on the hamlet streetscape.

4. Is the application minor?

**Planning staff comment:** It is staff's opinion that the deficiencies requiring relief are minor given the size of the property and the primary residential dwelling. In the proposed location, the structure should not adversely affect surrounding properties. The proposed structure is set at the back on the property between the house and tree line boarding the west. Furthermore, the subject lands are downhill from the adjacent property to the west, further minimizing the perceived additional height.

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:



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

Reviewed by:

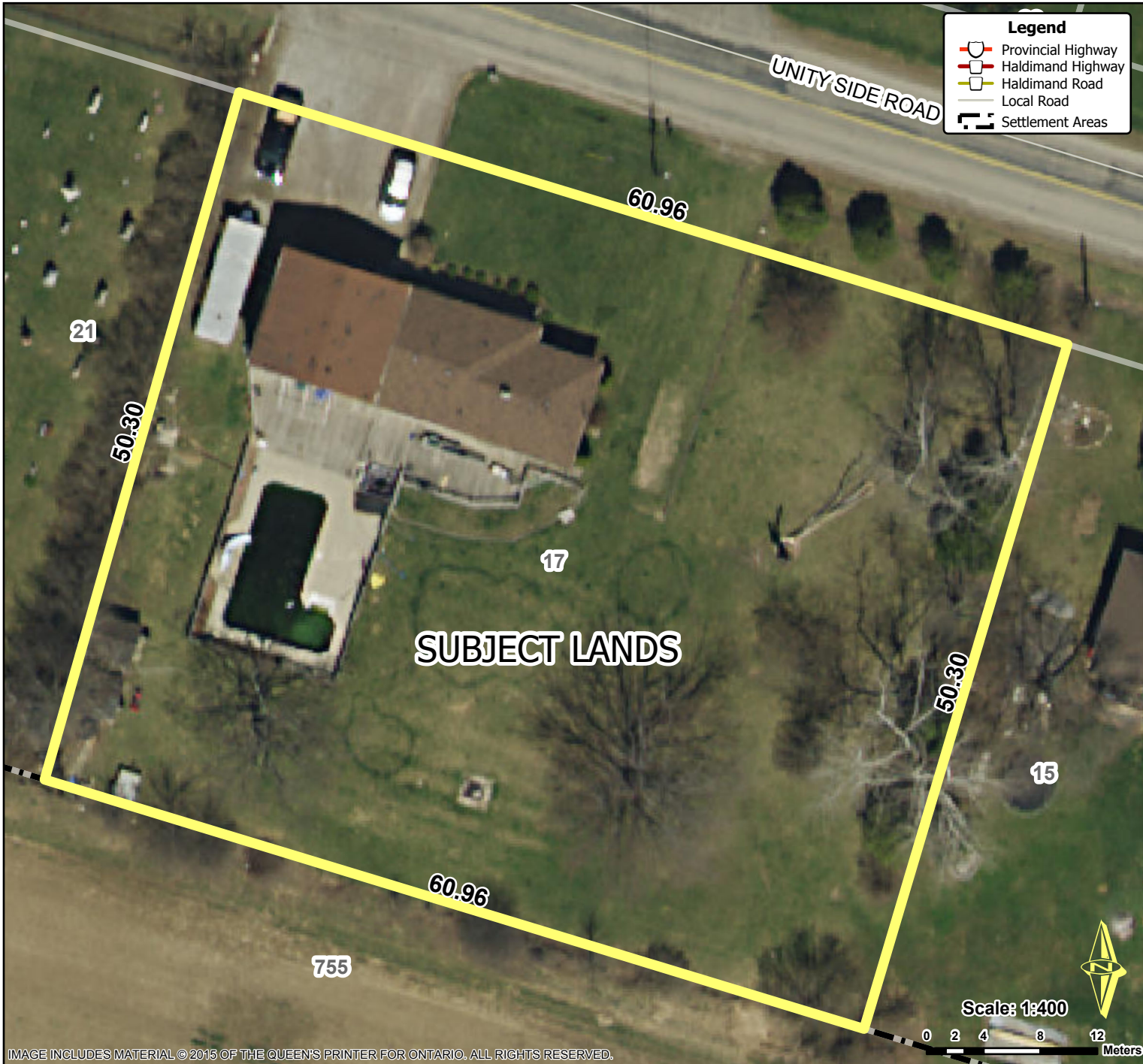


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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208



# Location Map FILE #PLA-2021-147 APPLICANT: Brown



**Location:**  
**17 UNITY SIDE ROAD**  
**GEOGRAPHIC TOWNSHIP OF SENECA**  
**WARD 3**

**Legal Description:**  
**SEN PLAN 63 RCP LOT 11**

**Property Assessment Number:**  
**2810 152 005 22200 0000**

**Size:**  
**0.76 Acres**

**Zoning:**  
**HR (Hamlet Residential)**

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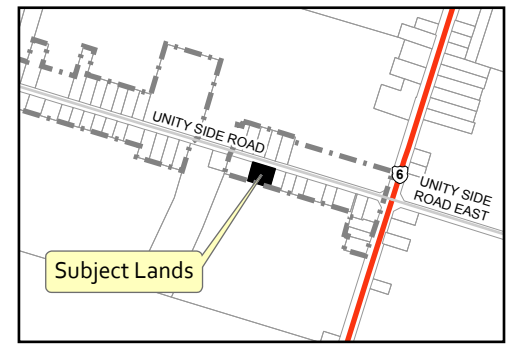


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# Owner's Sketch FILE #PLA-2021-147 APPLICANT: Brown

