



## Haldimand County Committee of Adjustment Consent

**Meeting Date:** January 17, 2022

**File Number:** PLB-2021-134 and PLB-2021-135

**Property Roll Number:** 2810-025-001-36810

**Applicant:** Chelsea and Rebecca Nieuwold

**Agent:** Kim Barless

**Property Location:** Concession 3, Part of the Bushby Lot, Registered Plan 18R4091 Part 3, Geographic Township of Sherbrook, known municipally as 1569 North Shore Drive

### 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 applicant proposes to sever two lots for future residential development. The severed lands in application PLB-2021-134 will have a frontage of approximately 30 metres (98.4 feet) and will contain an area of approximately 0.40 hectares (0.98 acres). The severed lands in application PLB-2021-135 will have a frontage of approximately 30 metres (98.4 feet) and will contain an area of approximately 0.36 hectares (0.88 acres). The retained parcel will contain an area of approximately 1.04 hectares (2.57 acres).

**Site Features and Land Use:** The subject lands are located in the hamlet of Stromness and front onto the east side of North Shore Drive. The proposed severed parcels are currently vacant of development and contain some trees. The retained lands contain a dwelling and accessory structures with a creek running along the north-west property line. Currently there is also a Hydro line running across the proposed severances.

**Existing Intensive Livestock Operations:** Not applicable within the Hamlet.

## **Agency & Public Comments**

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

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

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

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

**Grand River Conservation Authority:** No objections to these applications.

**Hydro One:** Hydro One has no concerns regarding these applications.

**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 states settlement areas shall be the focus of growth and development. The PSS encourages sustainable development practices and intensification/infill development such as this application is considered desirable. The Proposal is consistent with the PPS as the lands identified to be severed for residential purposes exist within a Hamlet which is considered a settlement area. The lands to be severed exist within a built-up residential area of the County, which conforms to policies stated in the Provincial Policy Statement, will not impact any agricultural operations and are large enough to accommodate private services on site. Staff's opinion is that the lands will be large enough to accommodate residential use, but may be restricted by sensitive features that would restrict the location of these services. The PPS discourages and does not permit development in most hazard lands. Nonetheless, the proposed development is outside of the hazard lands and the applicants have consulted with the GRCA who have no objection. The subject applications are consistent with the PPS.

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

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. The subject applications are consistent with A Place to Grow, 2020.

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

The subject lands are designated Hamlet, Riverine Hazard Lands, and the north portion of retained parcel is within a Natural Environment Wetland Area. The Haldimand County Official Plan permits severances for new residential lots within a hamlet provided that the resulting properties will be of sufficient size to accommodate the use, that there are appropriate services available to accommodate the use, the proposed severed and retained lands have safe access to an open and maintained public road and no more than five lots are being created. It is staff's opinion that the proposed severances are appropriately sized for residential use and are large enough to accommodate private services. The proposed severed and retained parcels all have frontage onto North Shore Drive, which is an open and maintained road, however entrance permits would be required to ensure safe access. Lastly, the proposal conforms with only two new lots being created.

While most of the severed parcels are zoned "Riverine Hazard Lands" there is a portion of the lands on which there is no hazard overall, and thus room for possible development.

The North Portion of retained parcel is zoned "Natural Environment Wetland Area"

Prior to the approval of development in Natural Environment Areas which are not Provincially Significant Wetlands or Habitat of Endangered and Threatened Species, an EIS must be completed to demonstrate that there are no negative impacts on the natural features and their ecological functions.

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

The subject lands are zoned Hamlet Residential. Hamlet Residential zoning permits single detached dwellings and the applications meet the minimum area and frontage requirements. All of the lands are subject to the 'Hazard Lands (HL)' overlay. The zoning of the subject lands will not provide opportunities for further development and site alteration without GRCA consultation.

## **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 December 23, 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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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



***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. 6409 , if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.
4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. Subject to the approval from the Grand River Conservation Authority.
6. Receipt of confirmation that an easement or the relocation of existing hydro lines, at the applicant's expense, has been completed. Contact Hydro One at 519-426-4446 Ext 2259 or 1-866-557-9551 , for further information.
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 30 metres (98.4 feet) and will contain an area of approximately 0.40 hectares (0.98 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 January 17, 2024, after which time this consent will lapse.

**File No. PLB-2020-134**  
**NIEUWOLD, Chelsea and Rebecca**  
**Assessment Roll No. 2810-025-001-36810**

***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. 6409 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.
4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
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8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 30 metres (98.4 feet) and will contain an area of approximately 0.36 hectares (0.88 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 January 17, 2024, after which time this consent will lapse.

**File No. PLB-2020-135**  
**NIEUWOLD, Chelsea and Rebecca**  
**Assessment Roll No. 2810-025-001-36810**



# Location Map FILE #PLB-2021-134 & PLB-2021-135 APPLICANT: Nieuwold



**Location:**  
**1569 NORTH SHORE DRIVE**  
**GEOGRAPHIC TOWNSHIP OF SHERBROOKE**  
**WARD 5**

**Legal Description:**  
**SHERBROOKE CON 3 PT LOT BUSHBY**  
**RP 18R4091 PART 3**

**Property Assessment Number:**  
**2810 025 001 36810 0000**

**Size:**  
**4.43 Acres**

**Zoning:**  
**RH (Hamlet Residential) & HL (Hazard Land)**  
**Overlay**

HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

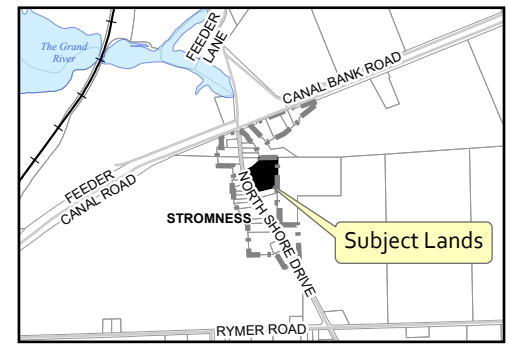
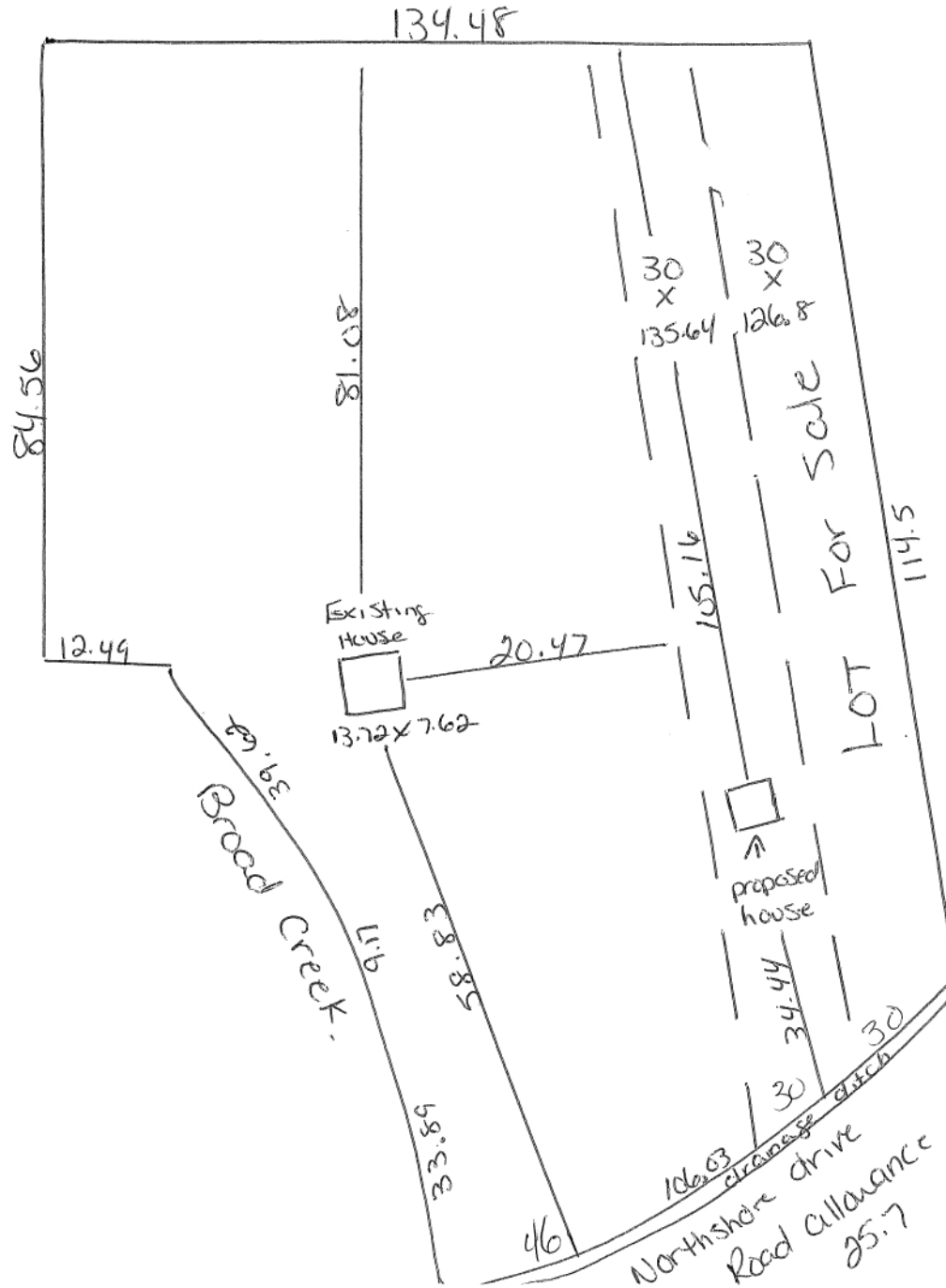


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# Owner's Sketch FILE #PLB-2021-134 & PLB-2021-135 APPLICANT: Nieuwold







## Haldimand County Committee of Adjustment Consent

**Meeting Date:** January 17, 2022

**File Number:** PLB-2021-205

**Property Roll Number:** 2810-332-001-41600 and 2810-330-050-00500

**Applicant:** Stelco Inc.

**Agent:** Matthew Schuman (McCarthy Tetrault LLP)

**Property Location:** Concession 1, Part Lots 1 to 4, Concession 2, Lots 1 to 3, Part Lot 4, Concession 3, Part Lots 1 to 4, Part of Road Allowance, Plan 84 Block DD, Registered Plan 18R6313 Parts 1, 2, 4 to 21, Geographic Township of Walpole, Concession 1, Part Lots 21 to 24, Concession 2, Lots 21 and 22 Part Lots 23 and 24, Registered Plan 37R6618 Part of Part 1, Geographic Township of Woodhouse, known municipally as 2330 Haldimand Road 3

### Recommendation

That application PLB-2021-205 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:** Applicant proposes to sever a parcel of land for future transfer of ownership. The severed lands will have a frontage of approximately 2292 metres (7519.7 feet) and contain an area of 790.182 hectares (1952.6 acres). The retained parcel will contain an area of approximately 923.74 hectares (2282.6 acres).

**Site Features and Land Use:** The subject lands are located in the south west corner of the municipality and are comprised of active agricultural lands and industrial lands housing the Stelco Lake Erie Work's facility. The lands are in close proximity to Lake Erie to the south and Nanticoke to the east. Surrounding land uses include agriculture, industrial, and limited residential uses.

**Existing Intensive Livestock Operations:** Not applicable

## **Agency & Public Comments**

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

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

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

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

**Long Point Region Conservation Authority:** The Long Point Region Conservation Authority has no objection to the concept of this application.

**Hydro One:** Hydro One has no concerns regarding this application.

**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 in the Lake Erie Industrial Park and is designated as an Employment Area. As the lands are not located within a settlement boundary, and not designated as prime agricultural land, they are considered Rural Lands in the PPS. Planning authorities are encouraged to consider the local and regional scale as well as supporting a diversified rural economy. Section 1.3.2 of the PPS requires that, “Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that necessary infrastructure is provided to support current and projected needs.”

The subject application is seeking to separate the existing Stelco Lake Erie Works facility from the vacant areas of the existing parcel. The newly created lot will provide opportunities for new employment uses on the currently farmed portions of the lot.



It should be explicitly noted that while the lands are currently under active agricultural production, they are not prime agricultural lands and have been designated for the long term use as employment lands. As such the lot creation policies for prime agricultural areas do not apply.

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

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

The A Place to Grow policies echo the PPS policies. As such, it is Planning staff's opinion the consent application is consistent with A Place to Grow.

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

The subject property is designated Major Industrial as well as being part of Strategic Employment Area in the County's OP. The subject application is seeking to separate the developed Stelco lands from the vacant lands to the west.

The OP contains several criteria regarding lot creation. Generally, new lot creation should be guided by the following:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;
- b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;
- c) The proposed severed and retained lands fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and
- d) No more than 5 lots are being created.

The proposed severed and retained lots will maintain the minimum lot requirements of the Zoning By-law for their respective zones, including substantial frontage along municipally maintained roads.

The OP provides guidance for interim servicing within the Lake Erie Industrial Park, which permits development on private services on a case by case basis. The property is permitted to function of private servicing, provided future plans can demonstrate conformity with the requirement of the Official Plan.

The application is only seeking to create a single lot. Future development of the lot will be subject to site plan control, where technical details can be addressed. Should the applicant wish to create additional lots in the future, planning applications will be required and evaluated at that time.

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

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

The subject lands are zoned 'Heavy Industrial (MH)' in the Zoning By-law. The proposed severed and retained lands will far exceed the minimum required lot area and frontage requirements of the MH zone. At this time a specific use for the severed lands has not been established and future use of the lands will need to comply with all relevant zoning provisions.

It is the opinion of Planning Staff that 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 December 9, 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:

A handwritten signature in black ink, appearing to read "Alisha Cull", is centered within a light gray rectangular box.

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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. That the owner’s solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. Receipt of a copy of the registered reference plan of the severed parcel, which will have a frontage of approximately 2292 metres (7519.7 feet) and will contain an area of approximately 790.182 hectares (1952.6 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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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

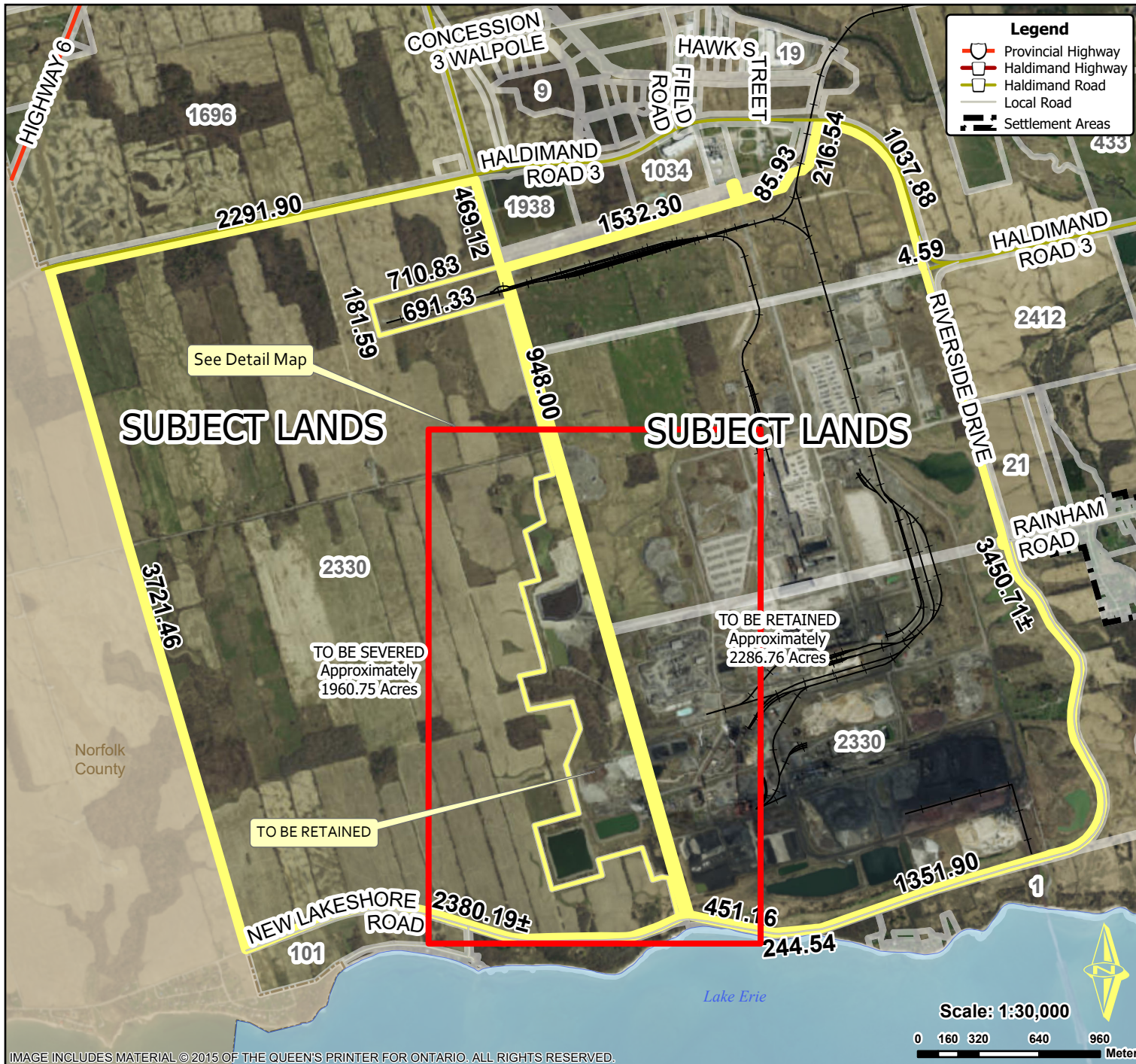
4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 17, 2024, after which time this consent will lapse.

***File No. PLB-2020-205***

***STELCO INC.***

***Assessment Roll No. 2810-332-001-41600 and 2810-330-050-00500***

# Location Map FILE #PLB-2021-205 APPLICANT: Stelco



**Location:**  
 2330 HALDIMAND ROAD 3  
 GEOGRAPHIC TOWNSHIP OF WOODHOUSE  
 AND WALPOLE  
 WARD 1

**Legal Description:**  
 WDH CON 1 PT LOTS 21 TO 24 CON 2 LOTS  
 21 AND 22 PT LOTS 23 AND 24 RP 37R6618  
 PT PART 1. WDH CON 1 PT LOTS 23 AND ...

**Property Assessment Number:**  
 2810 330 050 00500 0000 & 2810 330 050  
 00600 0000 & 2810 332 001 41600 0000

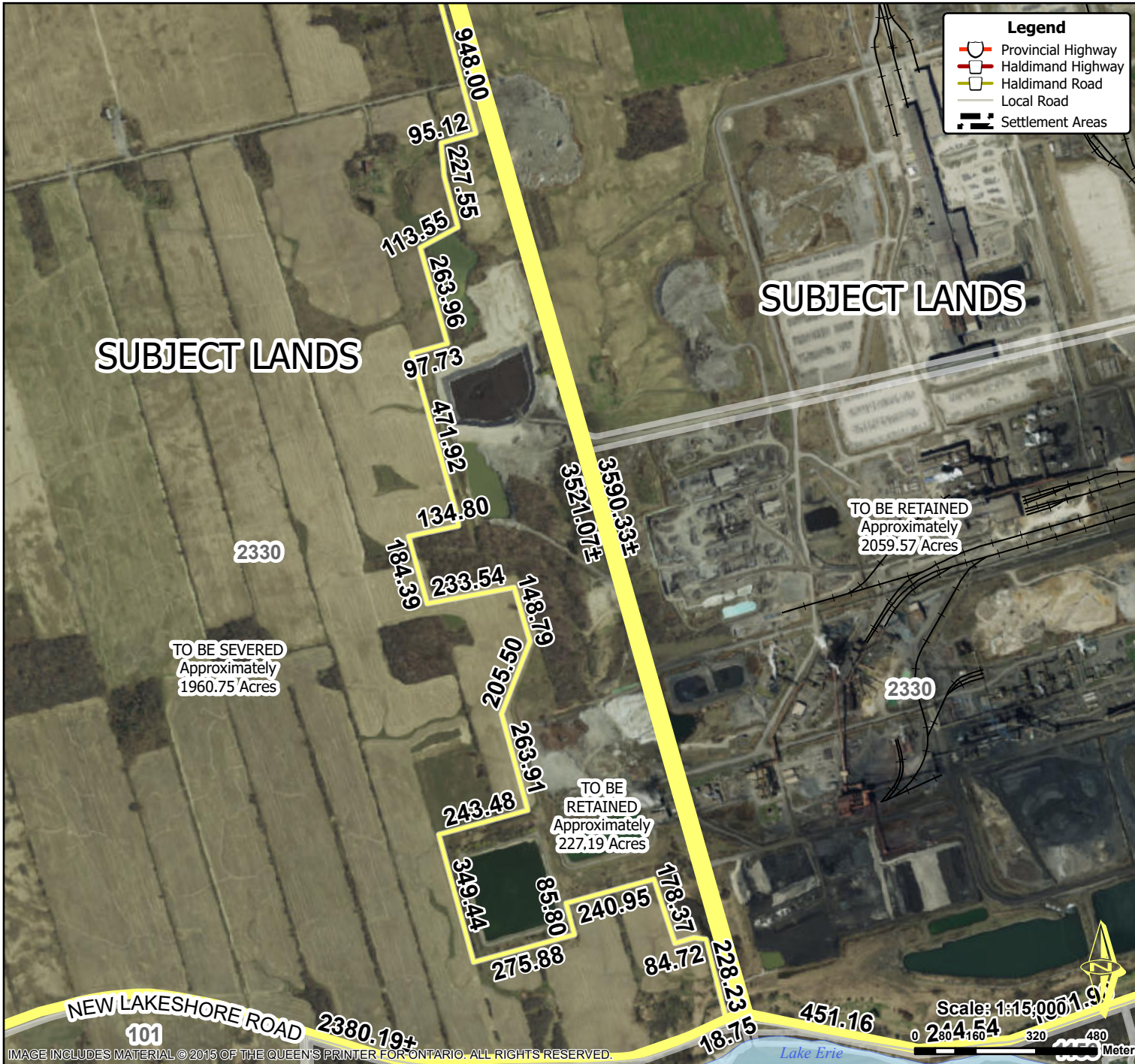
**Size:**  
 4247.51 Acres

**Zoning:**  
 MH (Heavy Industrial) & HL (Hazard Lands)  
**Overlay**  
 HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE  
 NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES  
 WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT  
 USE FOR OPERATING MAP OR DESIGN PURPOSES.  
 ALL INFORMATION TO BE VERIFIED.





# Detail Map FILE #PLB-2021-205 APPLICANT: Stelco



**Location:**  
**2330 HALDIMAND ROAD 3**  
**GEOGRAPHIC TOWNSHIP OF WOODHOUSE**  
**AND WALPOLE**  
**WARD 1**

**Legal Description:**  
**WDH CON 1 PT LOTS 21 TO 24 CON 2 LOTS**  
**21 AND 22 PT LOTS 23 AND 24 RP 37R6618**  
**PT PART 1. WDH CON 1 PT LOTS 23 AND ...**

**Property Assessment Number:**  
**2810 330 050 00500 0000 & 2810 330 050**  
**00600 0000 & 2810 332 001 41600 0000**

**Size:**  
**4247.51 Acres**

**Zoning:**  
**MH (Heavy Industrial) & HL (Hazard Lands)**

**Overlay**  
 HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

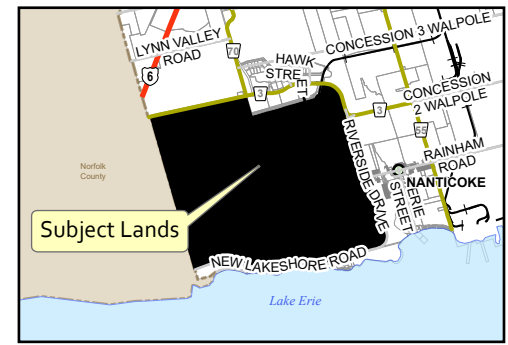


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# Owner's Sketch 1 of 4 FILE #PLB-2021-205 APPLICANT: Stelco



Diagram to Illustrate  
Relationship of Severed and  
Retained Lands on the Stelco  
Lake Erie Site  
Haldimand County



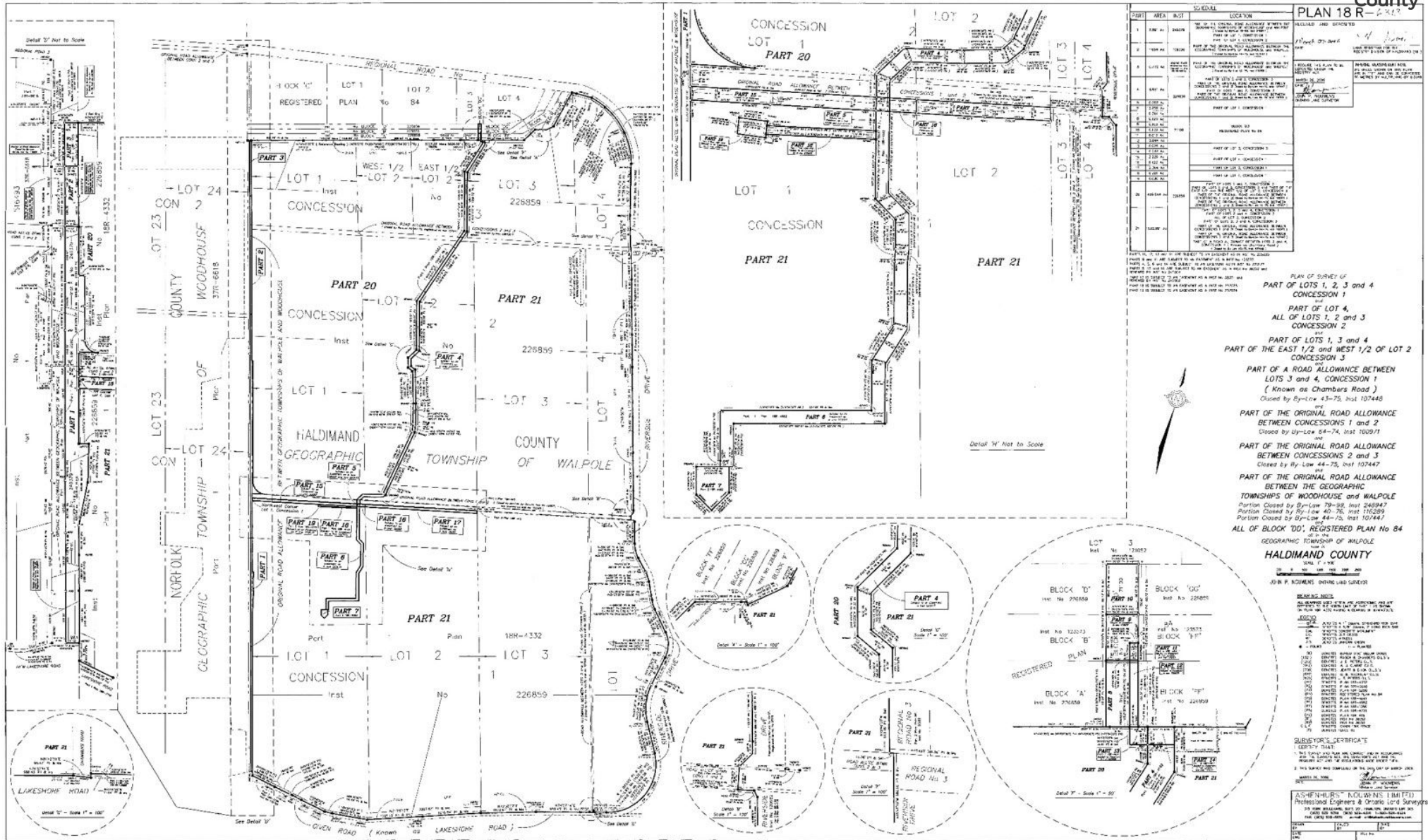
- Note:
1. Diagram is not to scale.
  2. Also see Plan 37R-10029 for the boundary of the Conveyed Lands.
  3. Also see Plans 18R-6313 and 37R-9452 for the boundary of the Retained Lands.



# Owner's Sketch 2 of 4 FILE #PLB-2021-205 APPLICANT: Stelco

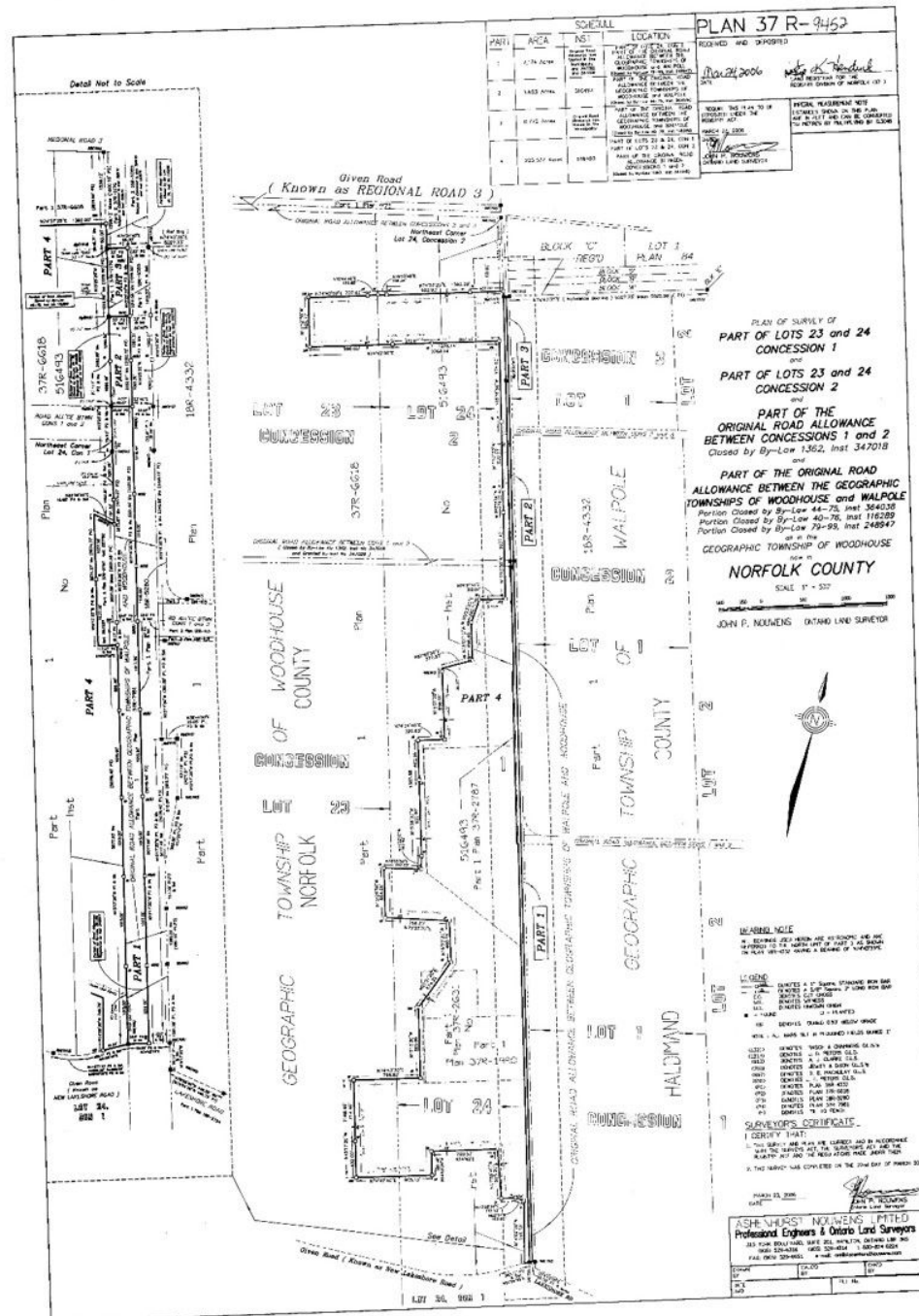


**Haldimand County**

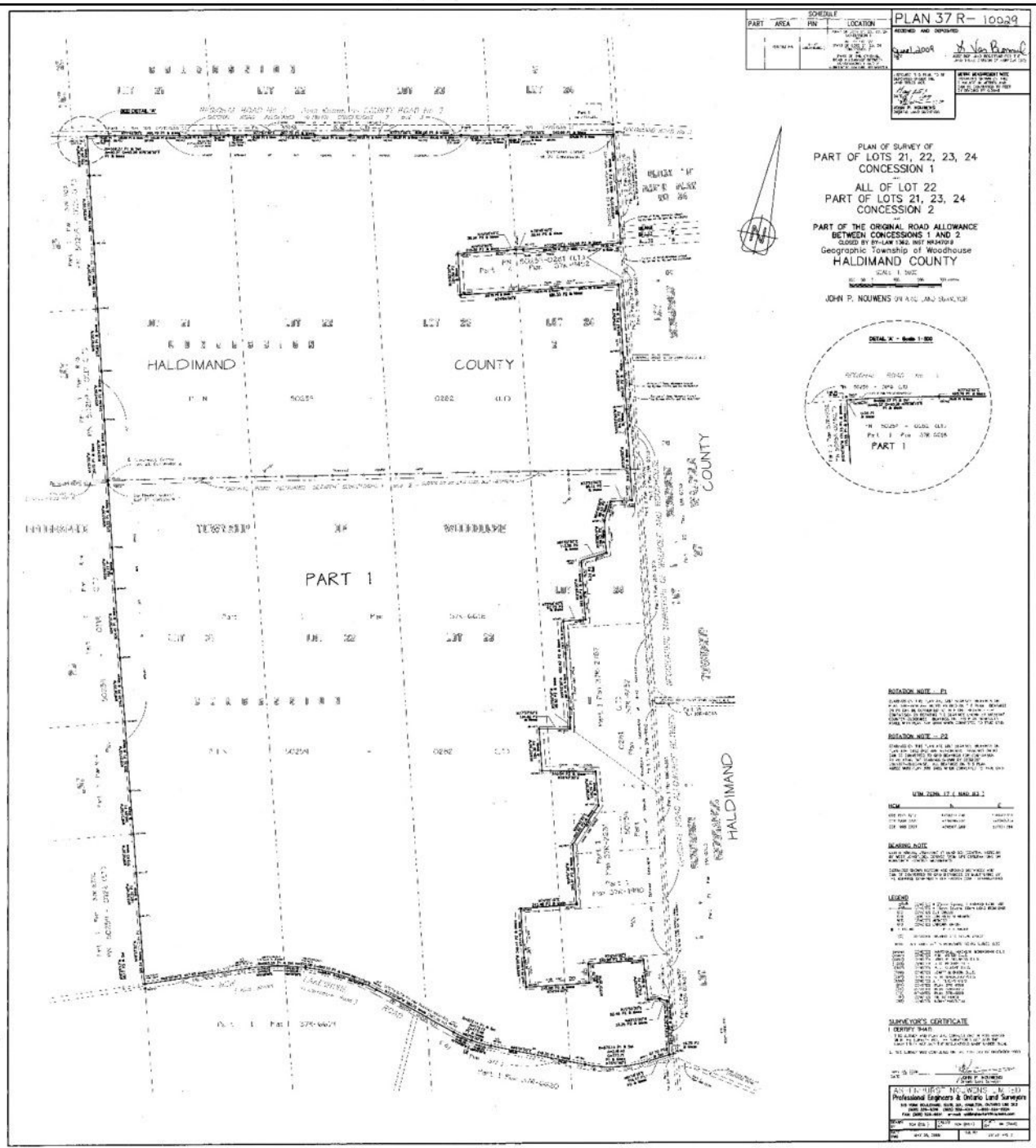




# Owner's Sketch 3 of 4 FILE #PLB-2021-205 APPLICANT: Stelco



# Owner's Sketch 4 of 4 FILE #PLB-2021-205 APPLICANT: Stelco





## Haldimand County Committee of Adjustment Minor Variance

**Meeting Date:** January 17, 2022  
**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

The subject application was previously deferred by Committee of Adjustment on August 17, 2021. The application was deferred due to questions regarding the location of survey stakes, the potential to locate a septic on the property and the location of the driveway. The applicant has provided a survey of the property, a septic sketch completed in consultation with a licensed septic installer, and a grading and drainage plan completed by KLS Engineering. An entrance permit was obtained for the driveway and has been inspected by County Staff, revealing no concerns.

**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	6.147 metres	0.853 metres

	(23.0 feet)	(20.2 feet)	(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:** Approval of the submitted lot grading plan required prior to obtaining building permits.

**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 December 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:

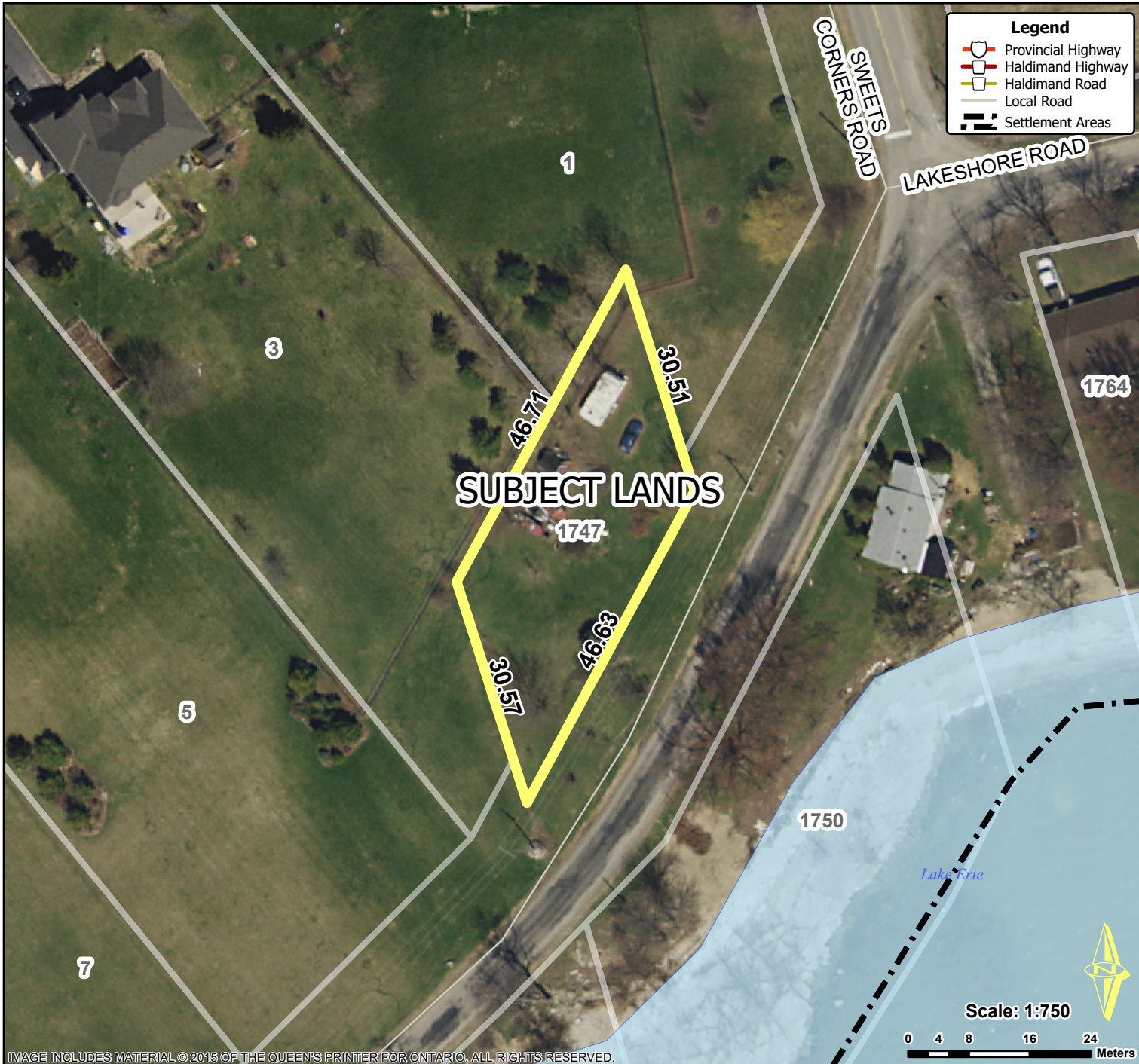


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Alisha Cull, BES, MCIP, RPP  
Supervisor, Development Services  
905-318-5932 ext. 6208



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



**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**

HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

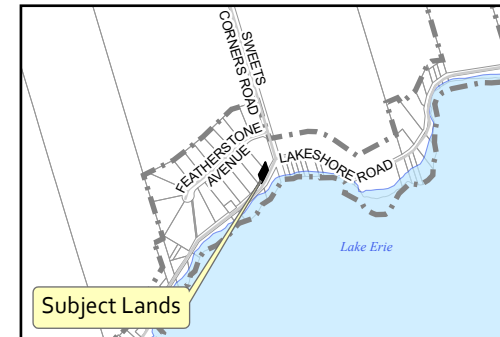
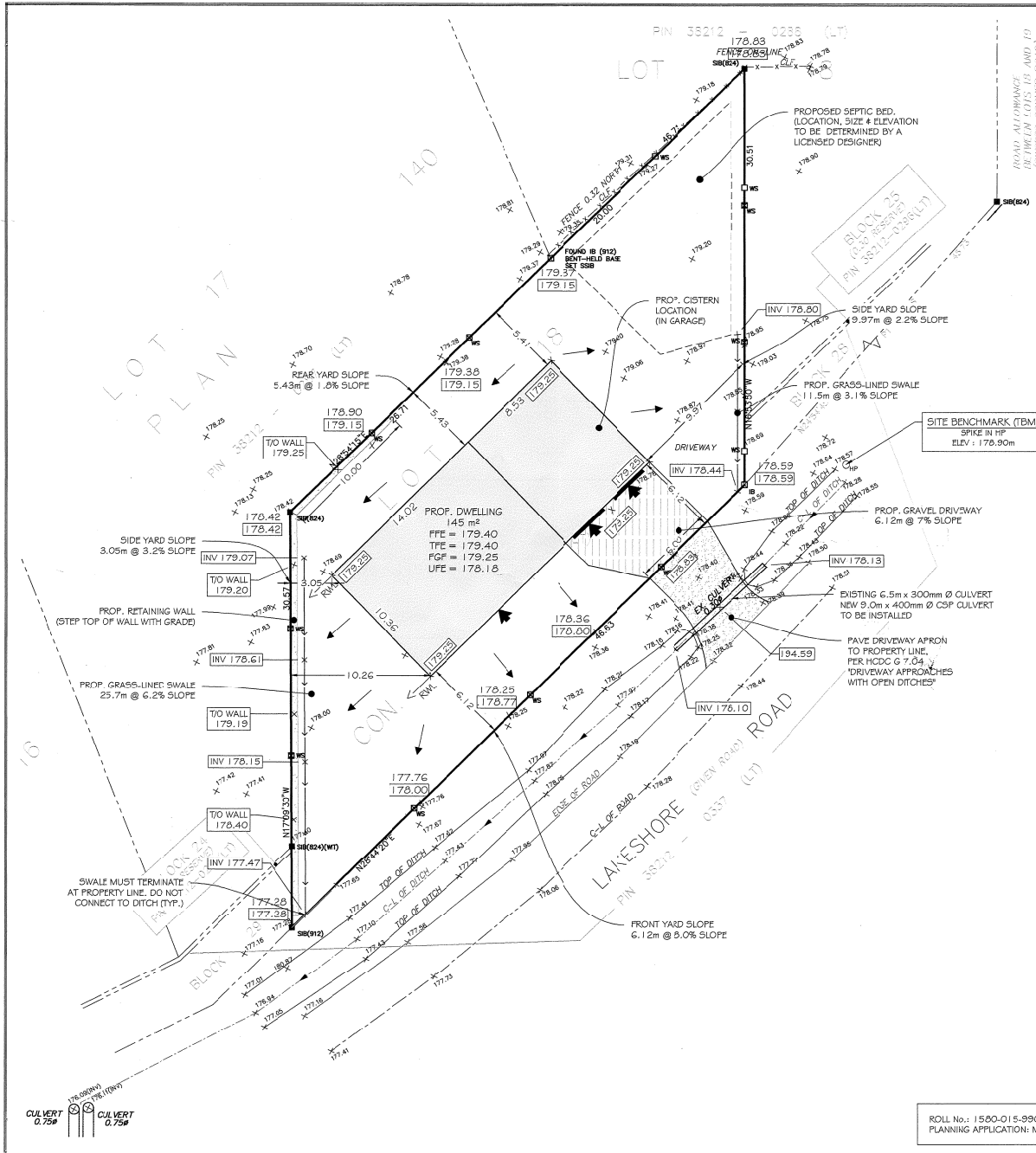


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# Owner's Sketch FILE #PLA-2021-119 APPLICANT: Lovegrove



**PROPOSED SITE & GRADING PLAN**  
**PART OF LOT 18**  
**CONCESSION 1**  
 IN THE GEOGRAPHIC TOWNSHIP OF RAINHAM  
**HALDIMAND COUNTY**

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

**BEARING NOTE**  
 CURVE BEARS 2010.00 DERIVED FROM OBSERVED REFERENCE POINTS (RPN) HAVING THE SAME UNIT AND REFERENCE AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 U (81° WEST LONGITUDE)

**ELEVATION NOTE**  
 ELEVATIONS ARE GEODETIC, OBTAINED BY GPS OBSERVATIONS, REFERRED TO GEOCENTRIC SYSTEM OF CANADA (NAD83) (GDA 2011) HAVING AN ELEVATION OF 191.266m (GVDN 1985 9726). SOUTHWARD MEASUREMENTS SHALL BE IN (7). POINT TO BE USED FOR FOUNDATION SHALL BE CM FROM SOUTHWEST CORNER, 0.3M BELOW PROPOSED FLOOR.

**ALL FUTURE GRADE WORK ON SITE TO BE BASED ON SITE BENCHMARK. ANY ELEVATION DISCREPANCIES TO BE REPORTED TO RASHI & FREE LTD.**

**TEMPORARY BENCHMARK NOTE**  
 SPIKE IN IRP HAVING AN ELEVATION OF 178.90m (PRESENT)

**LEGEND**

PROPOSED FINISHED FLOOR ELEVATION	000.00	FINISHED FLOOR	FF
PROPOSED FINISHED PATTERNS		TOP OF FOUNDATION	TF
TOP OF FINISHED GARAGE FLOOR		FINISHED GARAGE	FG
TOP OF FINISHED BASEMENT FLOOR		FINISHED BASEMENT FLOOR	BF
OVERHEAD UTILITY LINE	—OUL—	UNDERGROUND FOOTING	UF
UNDERGROUND LINE	—UL—	UNDERGROUND LIGHT STANDOFF	LS
UNDERGROUND RAINFALL PIPE	—RAN—	CATCH BASIN	CB
UNDERGROUND MANHOLE GAS PIPE	—MGP—	MANHOLE	MH
UNDERGROUND ROOM SERVICE	—RS—	PROP. POLE	PP
UNDERGROUND RETAINING WALL	—RW—	PROP. FENCE	PF
UNDERGROUND SERVICE	—S—	STANDARD PEN BARK	SB
CONCRETE	■	PROP. DRIVEWAY	PD
GRAVEL	■	PROP. DRIVEWAY APPROACHES WITH OPEN DITCHES	PDAD
ASPHALT	■	PROP. DRIVEWAY APPROACHES WITH OPEN DITCHES	PDAD
LIGHT DUTY ASPHALT	■	EXISTING ELEVATIONS	000.00
GRASS	■		

- GENERAL NOTES**
- DO NOT SCALE DRAWINGS.
  - ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR.
  - ANY ERRORS / OMISSIONS OR CHANGES TO BE REPORTED TO THE ENGINEER PRIOR TO & DURING CONSTRUCTION.
  - 2% SLOPE AWAY FROM DWELLING FOR MIN. 1.0m AS PER HCDC SEC. 6.10.04 PARAGRAPH 8
  - ROOF RAIN WATER LEADERS ARE TO DISCHARGE DIRECTLY TO THE GROUND ON SPLASH PADS UNLESS OTHERWISE NOTED. AS PER DETAIL '11A'
  - A 1.0m STRIP SHALL BE LEFT UNDISTURBED ALONG THE BOUNDARIES ADJACENT ADJACENT PROPERTIES.
  - ALL WORK TO CONFORM TO O.S.C. 2012
  - BEFORE STARTING WORK THE CONTRACTOR SHALL DETERMINE THE POSITION OF THE POLE LINES, WATER MAINS AND OTHER OVERHEAD AND UNDERGROUND UTILITIES AND STRUCTURES AND ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
  - ROADSIDE RESTORATION WHERE SERVICE TREES MADE (SHOW IN RED) AS PER HCDC SEC. G10.04
  - CURB/GUTTER RESTORATION AS PER HCDC SEC. G5.00 (0'SD 600 020) OR MATCH EXISTING CURB PROFILE
  - ALL PROPERTY LINE SWALES & SWALES CROSSING PROPERTY LINES - MUTUAL DRAINAGE AGREEMENT TO BE ON TITLE (M.P.)
- DEVELOPER/CONTRACTOR NOTES:**
- HEAVY-DUTY SILT FENCE BARRIER TO BE INSTALLED AS PER OPSD 219.130
  - SEE HCDC I.G.01. WHEN EARTH CUTS & FILL IN EXCESS OF 0.5m ARE REQUIRED.
  - DEVELOPER/CONTRACTOR MUST OBTAIN "ENTRANCE PERMIT" BY COMPLETING "ENTRANCE APPLICATION" THROUGH HALDIMAND COUNTY ROADS OPERATIONS DIVISION (905-310-5932 x 0601)
  - IF APPLICABLE, DEVELOPER/CONTRACTOR MUST OBTAIN "WATER & SANITARY CONNECTION PERMITS" BY COMPLETING "APPLICATION FOR WATER, SANITARY AND/OR SEWER SEWER CONNECTION PERMITS" FORM AT TIME OF APPLYING FOR BUILDING PERMIT
  - IF APPLICABLE, DEVELOPER/CONTRACTOR MUST OBTAIN "ROAD EXCAVATION PERMIT" THROUGH HALDIMAND COUNTY ROADS OPERATIONS DIVISION (905-310-5932 x 0601)

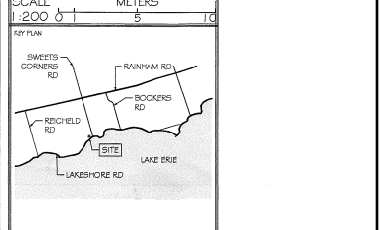
**KIS ENGINEER RALDIMAND County**

1333 HIGHWAY #3  
 DUNNVILLE, ONTARIO  
 N1A 2N7  
 phone: (905) 774-4307  
 fax: (905) 774-1168

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**ENGINEER'S SEAL**

REG. PROFESSIONAL ENGINEER  
 2018  
 J. V. O'LEARY  
 PROVINCE OF ONTARIO



THIS DRAINAGE PLAN WAS PREPARED FROM SURVEY INFORMATION OBTAINED FROM:

RASHI & FREE LTD.  
 ONTARIO LAND SURVEYORS  
 P.O. BOX 6, 1333 HIGHWAY #3  
 EAST LINDSAY  
 DUNNVILLE, ONTARIO N1A 2K1  
 TEL: (905) 774-7168  
 SURVEY No. 20-051

2 REV'D FOR CLARITY NOV 10/21 MD  
 1 ISSUED FOR PERMIT NOV 29/21 MD  
 # PURPOSE OF ISSUE DATE OF ISSUE BY

MIKE LOVEGROVE  
**DRAINAGE PLAN**  
 1747 LAKESHORE RD  
 SELKIRK, ON  
 NOA 1 P/O

**PROPOSED DRAINAGE PLAN**

AS NOTED FILE NO. L10-21-421

DATE: NOVEMBER 8, 2021  
 SHEET: C-1  
 OF 2