



THE CORPORATION OF HALDIMAND COUNTY

Committee of Adjustment Hearing Agenda

Date: Tuesday, April 22, 2025
Time: 9:00 A.M.
Location: Haldimand County Administration Building - Council Chambers

Pages

- A. Call to Order
- B. Land Acknowledgement
- C. Roll Call
- D. Disclosures of Pecuniary Interest
- E. Approval of Previous Committee of Adjustment Meeting Minutes
 - 1. Committee of Adjustment Minutes - March 25th, 2025 1
- F. Hearings Re: Consents
 - 1. PLB-2024-263 - Connie DiGregorio 9

Boundary adjustment proposing to sever the rear portion of 45 Sutherland Street West, to have the lands be added to 41 Sutherland Street West to allow additional parking for the apartment building at 41 Sutherland Street West. **Caledonia Part Lot 6 South Sutherland West, Known Municipally as 45 Sutherland Street West.**
 - 2. PLB-2025-014 - James Neil McCallum 17

To boundary adjust approximately 500 square meters (5,382 square feet) from 26 Brookers Rd to be add to the benefiting lands 975 & 1979 Lakeshore Road and have all three lots consolidated to one parcel fronting on Lakeshore Road. **Rainham Concession 1 Part Lot 21, Municipally Known as 26 Brookers Road**

3. PLB-2025-028 - Villam Ltd.

27

Surplus farm dwelling severance proposed to allow the dwelling and accessory structure be severed from the farmlands. Severed lands are to have a frontage of approximately 42.49 metres (139.4 feet) on Broad Road, and an area of 0.80 Hectares (2 acres). The retained lands will have a frontage of approximately 832.3 metres (2,730.6 feet) on Broad Road and 231.5 metres (759.5 feet) of frontage along 4th Line, and an area of 43.23 hectares (106.8 acres). **Oneida Concession 5 and 6, Part Block, Cook Part Block Dennis Part Lots, 58 and 59 Reference Plan 18R4425 Part 29, Known Municipally as 100 Broad Road, Caledonia**

4. PLB-2025-037 - Jonathon Creighton

37

Proposal is to sever the subject lands to permit the construction of two (2) semi-detached dwellings within the Urban Residential Type 2 Zone. The severed lands will have a frontage of 22.83 metres (74.9 feet) and an area of 908.54 square meters (9,779.4 square feet), and the retained lands are to have a frontage of 22.83 metres (74.9 feet) and an area of 945.39 square metres (10,176.1 square feet). **Caledonia Part Lot 20 North Caithness, Known Municipally as 322 Caithness Street East, Caledonia.**

G. Hearings Re: Minor Variances

1. PLA-2025-032 - Harry J. Wood

45

Relief is requested to permit a detached garage with a height of 7.80 metres (25.6 feet), whereas 6.5 meters (21.3 feet) is permitted, to allow for the proposed garage to have a second storey for personal storage usage. The subject lands are located within the 'Agricultural "(A)" Zone of the Haldimand County Zoning By-Law HC 1-2020. **North Cayuga Concession 1, NTR Part Lot 41, Reference Plan 18R5542 Parts 1 & 2 , Known Municipally as 4489 Highway 3, Cayuga.**

2. PLA-2025-040 - Arnold Eising and Karen Eising

52

Relief is requested of the exterior side yard, front yard, rear ard and the gross leasable floor area provisions of the 'Downtown Commercial "(CD)"' Zone of Zoning By-law HC 1-2020 to permit the replacement of a legal, non-conforming detached dwelling. The proposed new dwelling will have a larger footprint than the previous one on site. **Jarvis Plan 1650 Part Lot 2 East, Dennis Street Part Lot 1 North Davis, Street Part J McMickens Block, Known Municipally as 2013 Main Street South, Jarvis.**

H. Hearings Re: Previously Deferred Matters

1. PLA-2024-166 - David Rose

58

Relief is requested to allow for the "retained lands" to have a frontage of 13.53 meters (44.4 feet), where 30 metres (98.4 feet) are required, the subject lands are located within the 'Agricultural "(A)"' Zone, application has come forward as a condition to the previously approved consent application PLB-2024-084. **Canborough Concession 2 Part Lot 6 & 7 Reference Plan, 18R6111 Part 1, No Municipal Address.**

I. Other Business

J. Adjournment



THE CORPORATION OF HALDIMAND COUNTY

Committee of Adjustment Minutes

Date: Tuesday, March 25, 2025
Time: 9:00 A.M.
Location: Haldimand County Administration Building - Council Chambers

Members Present P. Brown, Chair
 C. Bowman, Member
 P. Fleck, Member
 P. Makey, Member
 B. Snyder, Member
 B. Wagter, Member

Staff Present K. Wheatley, Acting Supervisor, Planning & Development
 J. Cleaver, Secretary Treasurer, Committee of Adjustment
 S. VanDalen, Manager, Planning & Development
 M. Andrews, Senior Planner
 C. Tang, Planner

A. Call to Order

Chair Brown called the meeting to order at 9:00 a.m.

B. Land Acknowledgement

Member Makey read the Land Acknowledgement.

C. Roll Call

Member Ricker was not present.

D. Disclosures of Pecuniary Interest

No disclosures of Pecuniary Interest.

E. Approval of Previous Committee of Adjustment Meeting Minutes

1. Committee of Adjustment Minutes - January 21st, 2025

Moved By: P. Fleck, Member

Seconded By: C. Bowman, Member

That the minutes of the January 21st, 2025 Committee of Adjustment meeting be approved as circulated.

APPROVED

F. Hearings Re: Consents

1. PLB-2024-280 - Jerry Jeffery Fox

Jerry Fox (Applicant's father)

No comments or concerns from the applicant.

Member Makey asks for confirmation that the water source is within the boundary of the severed lands.

Applicants father confirms it is.

Moved By: B. Wagter, Member

Seconded By: B. Snyder, Member

THAT application PLB-2024-280 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

2. PLB-2024-282 - 1000398516 Ontario Limited c/o Ken Egger

Rob Merigold (Agent)

Agent provides background on the application to adjust the boundary of the flag lot property and allow for future development.

No questions or concerns raised.

Moved By: P. Makey, Member

Seconded By: P. Fleck, Member

THAT application PLA-2024-282 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

3. PLB-2025-005 - Justin Clappison

Kim Hessels (Agent)

No comments from the agent.

Moved By: B. Snyder, Member

Seconded By: B. Wagter, Member

THAT application PLB-2025-005 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

4. PLB-2025-023 - Allan Williamson

Present Doug Macintosh (Agent and future architect)

Agent has no comments or concerns for the report from the agent. Plans are being completed to address water, fire, and septic issues. The intent is to preserve the woodland, and they are preparing for water assessments and the EIS.

Public has no comments.

Member Makey asked staff about the EIS assessment, referencing the woodlot and need for access through it. Wanted to understand what triggers an EIS and how to ensure it won't become a roadblock.

Mark Andrews explained that an EIS is triggered by the County's Official Plan. Although the development includes a new lot, in this case the EIS can be deferred to the O.P. stage. At that time, staff will determine the best location for the entrance and implement restoration measures to mitigate impacts.

Shannon VanDalen noted that staff have been in discussion with Forestry. The Forestry Bylaw will apply, but staff are working with Forestry to establish a final outcome for the application.

Member Fleck mentioned he lives in the general area and there are no services available. Also noted that depending on the well, there may be sulfur in the water.

Mark Andrews confirmed the subject lands are within the urban boundary, but no services exist. Water and septic would be required at the development stage.

Moved By: P. Makey, Member

Seconded By: C. Bowman, Member

THAT application PLA-2024-023 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning

Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

5. PLB-2025-024 - Gordon and Brenda Winger

Gordan Winger (Applicant) Present

No comments or concerns

Moved By: P. Fleck, Member

Seconded By: B. Wagter, Member

THAT application PLB-2025-024 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

6. PLB-2025-011 and PLB-2025-012 - 1000379882 Ontario Ltd

Lesely (Agent) Brian Matthews (neighbour) Beatrice Clarke (neighbour)
Lesely Caswell (neighbour) Brian Gee (neighbour) Cameron (neighbour)

Agent gave a presentation. Raised concerns about the road allowance and drainage, noting existing flooding issues due to the slope, particularly from Chippewa which floods her property for two-thirds of the year. Explained the blue posts are part of a geotechnical study for methane gas. Stated that a methane study is not required at this stage but will be at the subdivision stage. Appreciated all the comments and concerns. Responded to a neighbour's question about the traffic impact study, saying that requirements will be discussed further along in the process.

Brian Matthews gave a presentation requesting modifications to the proposal for Parts 1 and 2. Questioned why grading was not addressed for

Part 3. Commented on increased drainage issues since the addition of the community center.

Beatrice Clarke raised concern that the traffic study was not shown. Opposed opening Ottawa Street due to the potential for major traffic flow changes. Expressed concerns about quality of life, safety for seniors and children, and increased danger in the neighbourhood.

Lesely Caswell voiced concerns about road allowance and drainage, referencing ongoing flooding issues.

Brian Gee – Stated he has lived in the area for 54 years and the property was never used for residential purposes.

Cameron described the area as a park-like space used for walking dogs and as a path for schoolchildren.

Chair Brown asked the agent about three blue posts labeled “active well” and what they are for.

Agent explained the blue posts are part of a geotechnical study for methane gas.

Member Fleck expressed concern about the methane study. Referred to pages 5–6 of the Official Plan regarding redevelopment.

Member Makey asked when an EIS would be required, and whether one is planned. Inquired about differences between this application and the one in Jarvis. Expressed concern about methane and asked about the property's previous use. Noted broader concerns with lack of sidewalks, parking, etc., and suggested revisiting the proposal. Moved an amendment to 011 & 012 requiring an EIS for the application.

Mark Andrews responded that no EIS is required because the application does not meet the County's Official Plan criteria for natural heritage features. Noted the Jarvis application includes a woodlot, while this one does not.

Shannon VanDalen stated that all planning applications require several studies, including geotechnical reports, regardless of prior land use. If methane is found, the County has protocols in place to address it.

Member Bowman asked if any long-time residents know the previous use of the land.

Neighbors confirm the previous use of the land.

Moved By: P. Fleck, Member

Seconded By: B. Snyder, Member

THAT applications PLB-2025-011 and PLB-2025-012 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

G. Hearings Re: Minor Variances

1. PLA-2025-015 1783576 Ontario Ltd

Nick Dyjach (planning consultant)

Nick Dyjach has no comments but open to questions.

Member Makey asked if the application is being read correctly, that the building design is not complete yet.

Agent confirmed that the building design is not complete and acknowledged that there are deficiencies that need to be addressed in the design process.

Member Makey asked if these are the final approvals.

Nick Dyjach confirmed that these will be the final approvals required.

Moved By: P. Makey, Member

Seconded By: B. Snyder, Member

THAT application PLA-2025-015 be APPROVED. The application meets the four tests of a Minor Variance, in accordance with Section 45(1) of the *Planning Act*.

APPROVED

H. Hearings Re: Previously Deferred Matters

1. PLB-2024-239 - Harold Kelly

Kim Hessels (Agent) Present

Kim Hessels has no comments.

No comments or concerns from committee members or public.

Moved By: P. Fleck, Member

Seconded By: B. Wagter, Member

THAT application PLB-2024-239 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024, and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

APPROVED

I. Other Business

No other business discussed.

J. Adjournment

THAT this meeting is now adjourned at 10.33am.

APPROVED

Chair

Secretary-Treasurer

Haldimand County Committee of Adjustment



Consent

File Number: PLB-2024-263

Property Roll Number: 2810-151-001-34400-0000

Applicant: Connie DiGregorio

Agent: No Agent

Property Location: Caledonia Part Lot 6 South Sutherland West, Known Municipally as 45 Sutherland Street West

For consideration on: April 22, 2025

Summary

The County has received an application for a boundary adjustment proposing to sever the rear portion of 45 Sutherland Street West (the subject lands), and add the severed portion to 41 Sutherland Street West (the benefiting lands). The purpose of the proposed lot addition is to increase the area of the existing parking lot for the apartment building at 41 Sutherland, to add approximately 13 parking spaces.

Recommendation

THAT application PLA-2024-263 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms with the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020, as amended for the subject lands by By-law Number 1378-HC/24.

Prepared by: John Douglas, MCIP, RPP, Senior Planner

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning & Development

Details of the Submission:

Proposal:

The County has received an application for a boundary adjustment proposing to sever the rear portion of 45 Sutherland Street West (the subject lands), and add the severed portion to 41 Sutherland Street West (the benefiting lands). The purpose of the proposed lot addition is to increase the area of the existing parking lot for the apartment building at 41 Sutherland, to add approximately 13 parking spaces. The addition of 13 parking spaces would reduce the existing deficit of parking spaces for the apartment building.

The severed lands (the rear portion of 45 Sutherland) are to have an area of 647.94 square metres (6,974.4 square feet), and are to be added to 41 Sutherland. The retained lands (the front portion of 45

Sutherland) are to have an area of approximately 425.41 square meters (4,579.1 square feet) and 17.07 metres (56 feet) of frontage on the south side of Sutherland St. W.

In May 2024, an application to amend the Zoning By-law (File No. PLZ-HA-2023-213, By-law Number 1378-HC/24) was heard and approved by Haldimand County Council. As a result of 1378-HC/24, 45 Sutherland was rezoned from 'Urban Residential Type 3 "(R3)" Zone to a dual zone, with the rear portion of the lot being rezoned to 'Urban Residential Type 4 "(R4-H)" with Special Exception R4.6 and a Holding (H) Provision, and the front portion of the lot being rezoned to a site specific 'Urban Residential Type 3 "(R3-H)" with Special Exception Zone and Holding Provision". The Holding Provision on the rear portion of 45 Sutherland St. W. will be removed following final approval of a Site Plan application and agreement and confirmation has been received from the Province stating the Archaeological Report has been accepted. The Holding Provision on the front portion of 45 Sutherland St. W will be removed following acceptance of a Lot Grading and Drainage Plan and confirmation from the Province accepting the Archaeological Report.

The applicant has submitted a Site Plan application (File No. PLSP-HA-2024-196) to the County.

Site Features and Land Use:

The subject lands are located at 45 Sutherland St. W. and have a lot area of approximately 1,073.35 square metres (11,553.44 square feet), with 17.07m (56 feet) of frontage on the south side of Sutherland St. W. The subject lands are currently occupied by two residential dwellings both of which are proposed to be demolished, and the residence closest to the Sutherland will be replaced by a semi-detached dwelling.

The benefitting lands to which the rear portion of 45 Sutherland will be added, is known municipally as 41 Sutherland St. W, and currently contains an existing apartment dwelling and associated parking lot. The proposed boundary adjustment will add approximately 647.94 square metres (6,974.4 square feet) to the parking lot allowing the addition of approximately 13 new parking spaces.

Both 41 and 45 Sutherland St. W. are serviced by municipal water and sanitary services.

Surrounding land uses include: To the west, low density residential uses (i.e., single detached dwellings); to the north low density residential uses in the form of single detached dwellings on the north side of Sutherland St. W. and Caledonia Centennial Public School; to the east, low density residential uses and commercial uses fronting on Argyle St.; and to the south, low density residential uses.

The subject lands are located in the urban Area of Caledonia and are designated "Residential" on Schedule "B.1" (Caledonia Urban Area Land Use Plan) and zoned 'Urban Residential Type 3 "(R3)" Zone with a site-specific provision and a Holding (H) Provision in part, 'Urban Residential Type 4 "(R4)" Zone with a site-specific provision and a Holding (H) Provision in part and 'Urban Residential Type 4 "(R4)" Zone.

Existing Intensive Livestock Operations: N/A

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Structures over 15 square meters that are proposed to be demolished will require a demolition permit. Spatial separation should be assessed in respect to the amount of glazing on the house distance to the proposed property line as per section 9.10.15.4 of the Ontario Building Code.

Planning Comment: This comment addresses Ontario Building Code issues which will be addressed through the Building Permit stage.

Haldimand County Planning & Development Services – Development Technologist:

Grading plan will be required for the retained and severed lands, or proof that the retained and severed lands already have a pre-existing approved grading plan satisfactory to development technologist.

Planning Comment: As noted, a Holding provision has been placed on the front portion of the subject property through By-law Number 1378-HC/24). The holding provision will be removed following acceptance of Lot Grading and Drainage Plan.

Haldimand County Emergency Services:

No comments received.

Hydro One:

No comments or concerns.

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, 2024 (PPS)**

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide. The PPS policies do not provide direction regarding lot additions within existing settlement areas boundaries.

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

Haldimand County Official Plan (HCOP)

The Haldimand County Official Plan (HCOP) is the principal land use planning tool used to manage growth and development within the County to 2051. The purpose of the Plan is to provide a policy framework to guide economic, environmental and social decisions that have implications for the use of land.

The HCOP does not have policies specifically addressing boundary adjustments within urban areas. As a result, the subject application does not conflict with any policies of the Official Plan. The subject lands are located adjacent to surrounding stable residential neighbourhoods. The boundary adjustment is not expected to have any measurable impacts on the form and function of the neighbourhood. Additionally, the boundary adjustment will result in the benefitting lands to increase the number of parking spaces which will allow for safe and efficient off-street parking for the existing apartment building and thereby resulting in less cars parking on the streets.

It is the opinion of staff that the subject application is consistent with the policies of the HCOP.

Haldimand County Zoning By-law HC 1-2020

The subject boundary adjustment file along with two related files have been submitted by the applicant to facilitate the addition of the rear portion of 45 Sutherland St. W to the apartment property known municipally as 41 Sutherland St. W.

The first of the three applications was a site-specific Zoning By-law amendment for 45 Sutherland St. W. which was approved by Council in May 2024 and By-law No. 1378-HC/24 was subsequently enacted May 27, 2024. As a result of By-law No.1378-HC/24, 45 Sutherland was rezoned from 'Urban Residential Type 3 "(R3)" Zone to a dual zone, with the rear portion of the lot being rezoned to 'Urban Residential Type 4 "(R4-H)" with Special Exception R4.6 and a Holding (H) Provision to be consistent with the "(R4)" zoning for 41 Sutherland St. W. The front portion of 45 Sutherland St. W was rezoned to a site-specific 'Urban Residential Type 3 "(R3-H)" Zone with a Special Exception and a Holding Provision to set the appropriate zoning standards to allow a semi-detached dwelling to be constructed on the north portion of the lot which has frontage on Sutherland St. W.

The Holding Provision on the rear portion of 45 Sutherland St. W. will be removed following final approval of a Site Plan application and agreement and once confirmation has been received from the Province accepting the Archaeological Report. The Holding Provision on the front portion of 45 Sutherland St. W will be removed following acceptance of Lot Grading and Drainage Plan and confirmation from the Province accepting the Archaeological Report.

If the subject application for the proposed boundary adjustment is approved, the County will proceed with its review of the third application being a Site Plan Approval application (PLSP-HA-2024-196), which has been submitted for the rear portion of 45 Sutherland St. W., which is to be added to 41 Sutherland St. W.

Staff are satisfied that the subject application conforms to the provisions of the R4 Zone with the specific exceptions set out in By-law Number 1378-HC/24.

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 March 27, 2025.

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

A copy of the staff report has been provided to the applicant.

Attachments:

1. Condition Sheet
2. Location Map
3. Owner's Sketch

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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. Receipt of a letter from the Planning & Development Division indicating that their requirements for both the severed and retained lands, regarding a full lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6253 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
4. Receipt of a copy of the registered reference plan of the severed parcel, with an area of 647.94 square metres (6,974.4 square feet). 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 jcleaver@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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

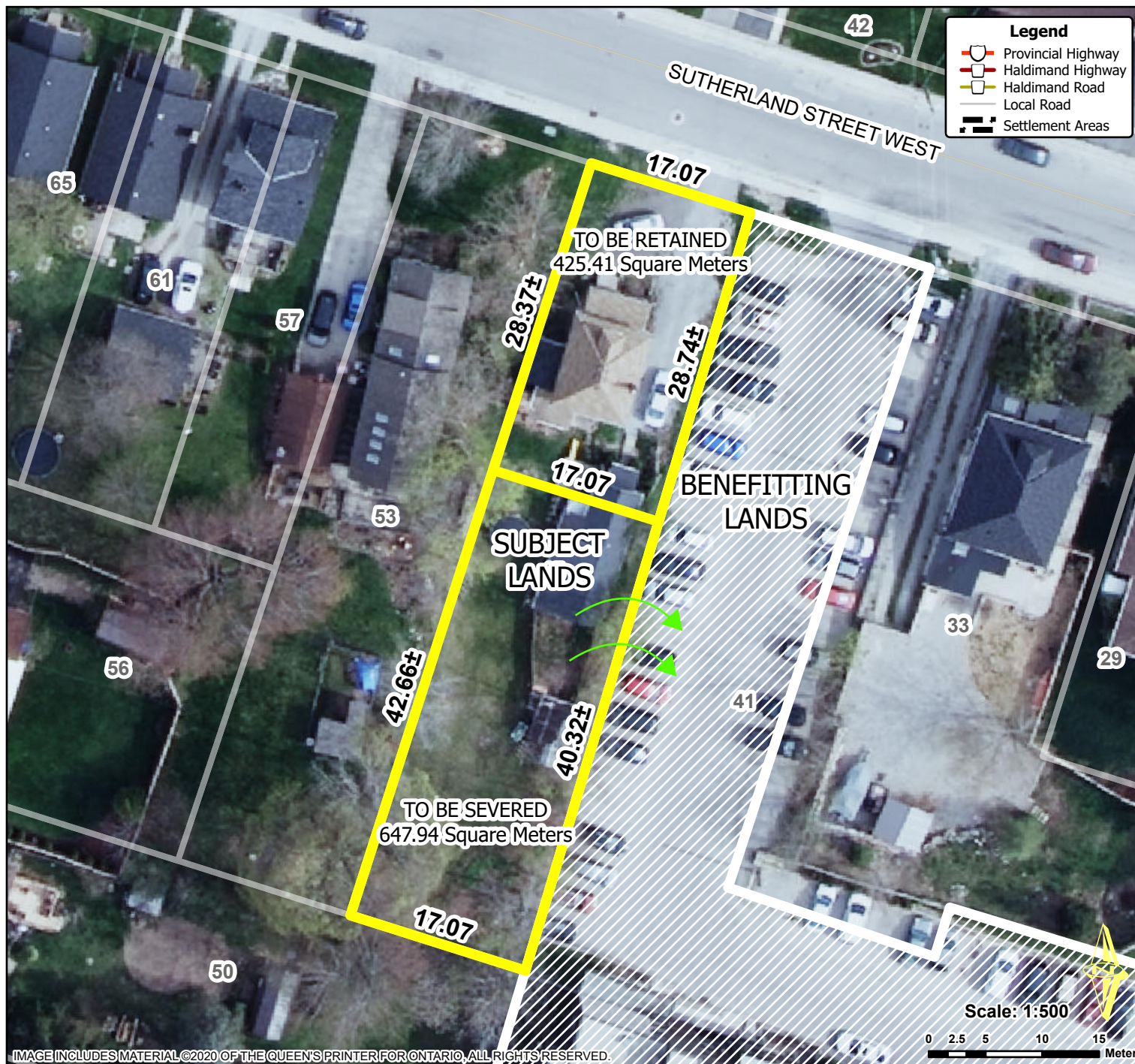
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 22nd, 2027 after which time this consent will lapse.

File No. PLB-2024-263

Assessment Roll No. 2810.151.001.34400.0000

Location Map FILE #PLB-2024-263 APPLICANT: Digregrio

PLB-2024-263, Attachment 2

Location:

**45-47 SUTHERLAND ST WEST
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

CAL PT LOT 6 S SUTHERLAND W

Property Assessment Number:

2810 151 001 34400 0000

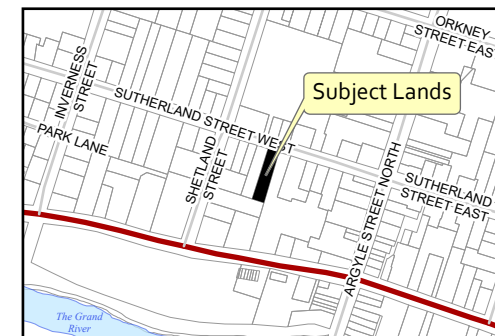
Size:

**Subject Lands:
1,073.35 Square Meters (11,553.44 Square Feet)**

Zoning:

R3 (Urban Residential Type 3)

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.



Haldimand County Committee of Adjustment



Consent

File Number: PLB-2025-014

Property Roll Number: 2810-158-001-63100-0000

Applicant: James Neil McCallum

Agent: Michael W. Fowler

Property Location: Rainham Concession 1 Part Lot 21, Municipally Known as 26 Brookers Road

For consideration on: April 22, 2025

Summary

The applicant proposes to sever a parcel of land as boundary adjustment from 26 Brookers Rd to consolidate as one larger parcel with 1975 & 1979 Lakeshore Road. Planning staff recommend approval subject to the attached conditions as the application is consistent with the Provincial Planning Statement 2024, conforms to the Haldimand County Official Plan and the Haldimand County Zoning By-law HC 1-2020.

Recommendation

THAT application PLA-2024-014 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant is proposing to sever approximately 500 square metres (5,382 square feet) of an underutilized and unfarmed portion of the subject lands, known municipally as 26 Brookers Road, to be added to the adjacent properties known municipally as 1975 Lakeshore Road and 1979 Lakeshore Road (the benefitting lands). 1975 Lakeshore Road is currently zoned 'Lakeshore Residential "(RL)"', with a frontage of 10.90 metres (35.8 feet) on Lakeshore Road and an area of 0.053 hectares (0.13 acres/530 square metres), and 1979 Lakeshore Road is currently zoned 'Agricultural "(A)"' Zone with a frontage of 60.96 metres (200 feet) on Lakeshore Road and an area of 0.23 hectares (0.58 acres/2,300 square metres). The two benefitting lands, and the subject lands will be consolidated into one parcel if the application is to be approved.

Site Features and Land Use:

The subject lands are located in the geographic township of Rainham, on the northeast corner of Brookers Road and Lakeshore Road. The retained lands currently contains a single detached dwelling and an active agricultural operation. The benefitting lands currently contain a single detached dwelling and accessory structure and the severed lands, which are to be added to the benefitting lands are currently vacant. The surrounding land uses are generally agriculture and lakeshore residential in nature.

The subject lands are designated "Agriculture" with a small portion within the "Riverine Hazard Lands" overlay on Schedule "D.10" (Lakeshore Nodes of Bookers Bay) in the Haldimand County Official Plan and zoned 'Lakeshore Residential "(RL)" Zone, in part and 'Agricultural "(A)" Zone, in part in accordance with Haldimand County Zoning By-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments received.

Haldimand County Planning & Development Services – Development Technologist:

Daylight triangle may be required dependant on the information provided by the surveyor.

Haldimand County Emergency Services:

No comments received.

Long Point Region Conservation Authority:

LPRCA staff advised that the application is consistent with Section 5.2.2 a) of the Provincial Policy Statement, 2024

Hydro One:

Hydro One Inc. has no comment or objection

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 Planning Statement, 2024 (PPS)

The severed and retained lands are located outside the rural settlement area boundary (i.e., Lakeshore Nodes) and located within prime agriculture lands. Section 4.3.3.2 of the Provincial Planning Statement,

2024 (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons, which is defined as severances for purposes such as minor boundary adjustments that do not result in the creation of a new lot.

Planning Comment: The subject application is considered to be minor as it will consolidate the severed lands, the small lot on the northeast corner of Brookers Road and Lakeshore Road and the benefitting lands as one larger parcel. The portion of the severed lands that is to be added to the benefitting lands is not used nor viable for agricultural purposes. Additionally, the severed lands will not remove any lands from an active agriculture operation and any potential impacts on the viability of the existing agricultural operations can be mitigated.

Therefore, it is the opinion of Planning staff that the proposal is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject lands are designated “Agriculture” with a small portion near the Lakeshore Road frontage within the ‘Riverine Hazard Lands’ overlay on Schedule “D.10” (Lakeshore Nodes of Brookers Bay) in the Haldimand County Official Plan. The OP states that lot creation in the “Agriculture” designation is generally discouraged and may be only permitted in limited circumstances including severances for legal or technical reasons, including minor boundary adjustments and easements that do not result in the creation of a new lot. In addition, the severance shall not compromise the functionality and/or viability of existing agricultural operations.

Planning Comment: The proposed boundary adjustment will consolidate the severed parcel from the retained lands, the existing lot on the northeast corner of Brookers road and Lakeshore Road and the benefitting lands into one larger parcel . The proposed boundary adjustment is not anticipated to have any adverse impacts on the existing farming operation and is considered minor and does not result in the creation of a new lot.

Therefore, it is Planning staff’s opinion that the proposal conforms with the intent and purpose of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned ‘Lakeshore Residential “(RL)” Zone, in part and ‘Agriculture “(A)” Zone, in part in accordance with Haldimand County Zoning By-law HC 1-2020.” The “(A)” zone requires a minimum lot area of 1,855 square metres (19,967.05 square feet) and a frontage of 36 metres (118.11 feet) for an exterior lot, and the “(RL)” zone requires a minimum lot area of 925 square metres (9,956.62 square feet) and a frontage of 24 metres (78.74 feet) for a corner lot. The resulting lot after the boundary adjustment will be approximately 3,330 square metres (0.3 hectares/0.8 acres) and a frontage of 71.86 metres (236 feet) on Lakeshore Road, which meets the minimum applicable lot frontage and area provisions of the Zoning By-law.

Considering that the consolidated lot will have two zones on the property, a Zoning By-law Amendment application will be required as a condition of consent to rezone the subject lands to the ‘Lakeshore Residential “(RL)” Zone in its entirety to ensure zoning compliance.

With the reasons listed above, it is Planning staff’s opinion that the application generally conforms with the intent and purpose of the Zoning By-law.

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 March 24, 2025.

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

A copy of the staff report has been provided to the applicant.

Attachments:

1. Condition Sheet
2. Location Map
3. Detail Map
4. Owner's Sketch
5. Owner's Sketch 2

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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
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. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcel and the parcel 1975 Lakeshore Rd, further identified as Roll # 2810-158-001-65380-0000, become part and parcel of the abutting lands presently owned by WHITTINGTON TIMOTHY KENNETH WHITTINGTON KAREN MARIE and further identified as Roll # 2810-158-001-65400-0000.
5. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
6. The applicant will provide the Planning & Development Department with a survey showing either the required Daylight Triangle, with measurements conforming to the requirements set out in Table 4.56 of Zoning By-law HC 1-2020 or showing that the lands conform to the requirements set out in Table 4.56 of Zoning By-Law HC 1-2020 and do not require a daylight triangle. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication, have been satisfied. The daylight triangle is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
7. Receipt of a copy of the registered reference plan of the severed parcel, showing that a frontage of 6.1 metres (20.01 feet), and an area of 0.05 hectares (0.12 acres) has been added to the benefitting lands, and receipt of a copy of the registered reference plan of the retained lands with a frontage of 414.76 meters (1360.8 feet), and an area of 19.64 hectares (48.5 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to jcleaver@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD_1983_UTM_Zone_17N

Projection: Transverse_Mercator

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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 22nd, 2027, after which time this consent will lapse.

File No. PLB-2025-014

Assessment Roll No. 2810.158.001.63100.0000

Location Map FILE #PLB-2025-014 APPLICANT: McCallum

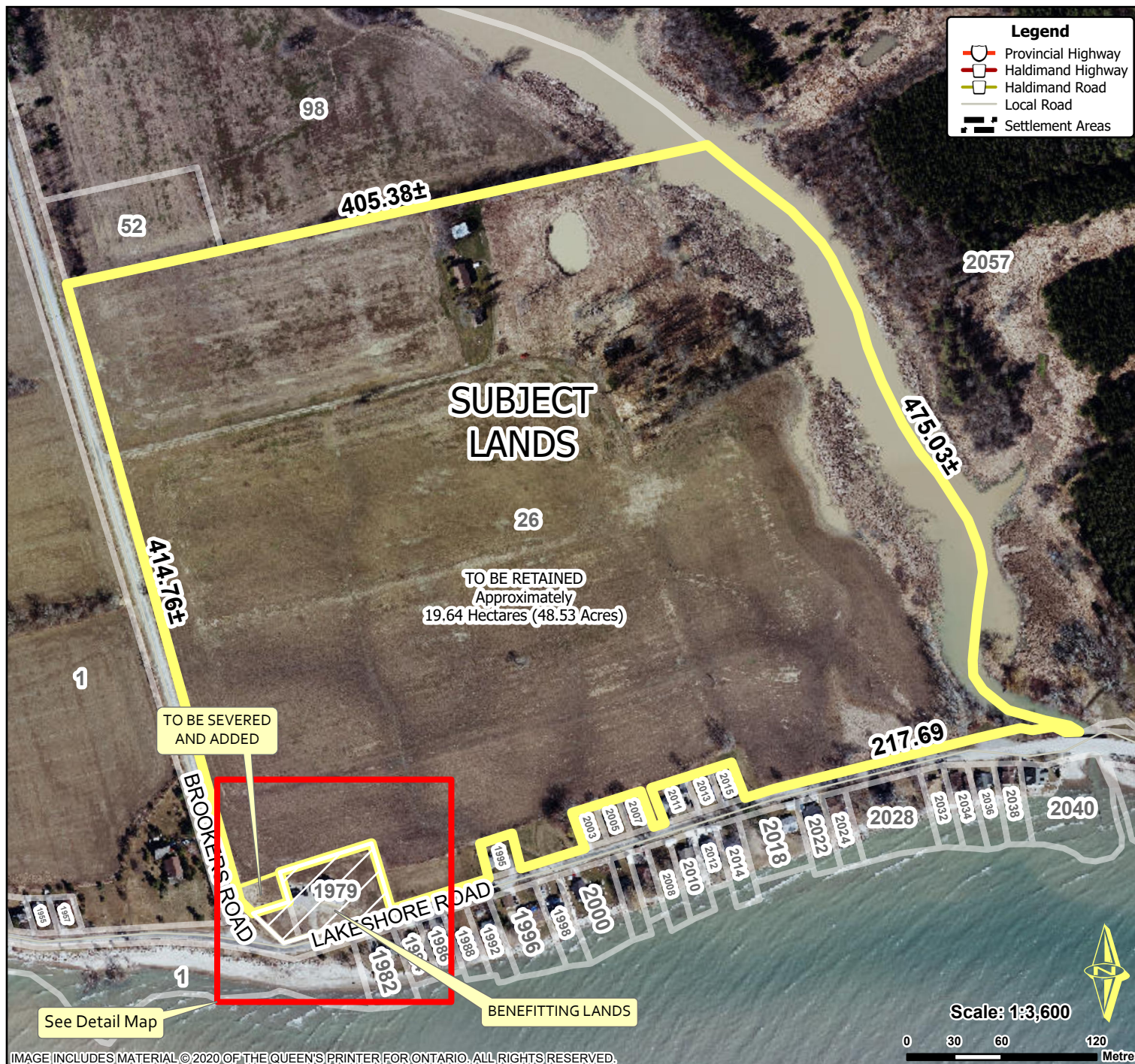
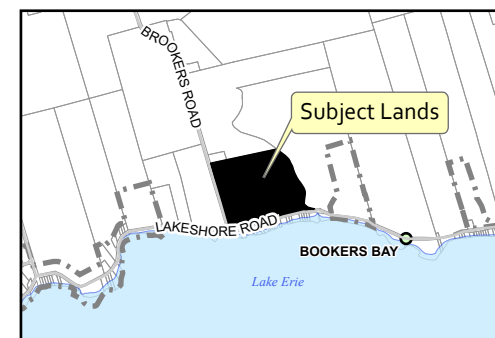
PLB-2025-014, Attachment 2



Location:
26 BROOKERS ROAD
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2

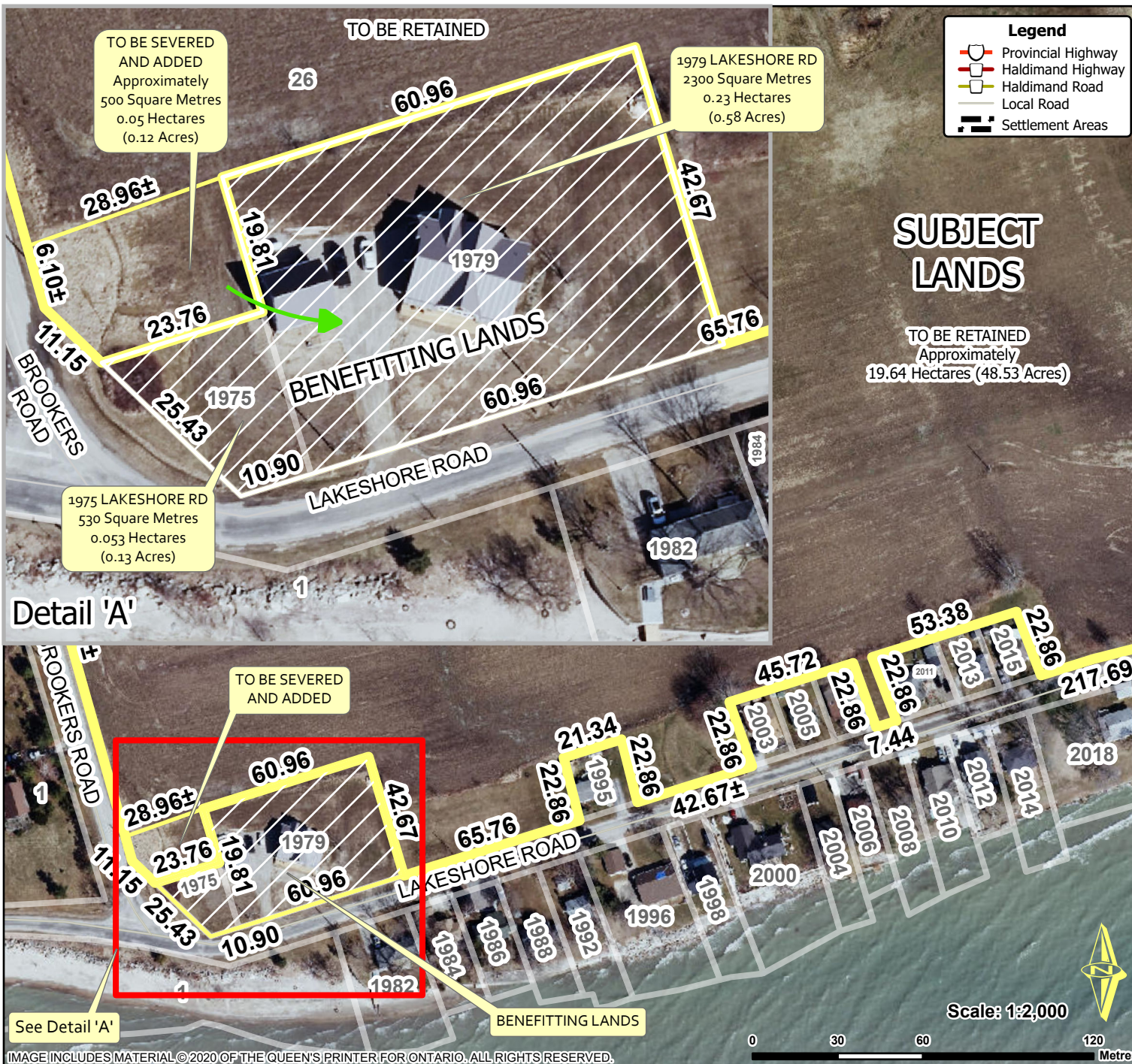
Legal Description:
RAINHAMRNH CON 1 PT LOT 21
Property Assessment Number:
2810 158 001 63100 0000
Size:
19.69 Hectares (48.65 Acres)
Zoning:
A (Agriculture), W (Wetland), HCOP
Lakeshore Hazard Lands & Riverine Hazard
Lands, GRCA Regulated Lands, MNR
Unevaluated Wetland

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-2025-014 APPLICANT: McCallum

PLB-2025-014, Attachment 3



Location:
26 BROOKERS ROAD
GEOGRAPHIC TOWNSHIP OF RAINHAM
WARD 2

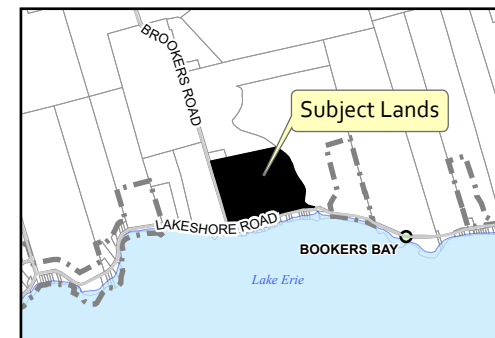
Legal Description:
RAINHAMRNH CON 1 PT LOT 21

Property Assessment Number:
2810 158 001 63100 0000

Size:
19.69 Hectares (48.65 Acres)

Zoning:
A (Agriculture), W (Wetland), HCOP
Lakeshore Hazard Lands & Riverine Hazard
Lands, GRCA Regulated Lands, MNR
Unevaluated Wetland

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.



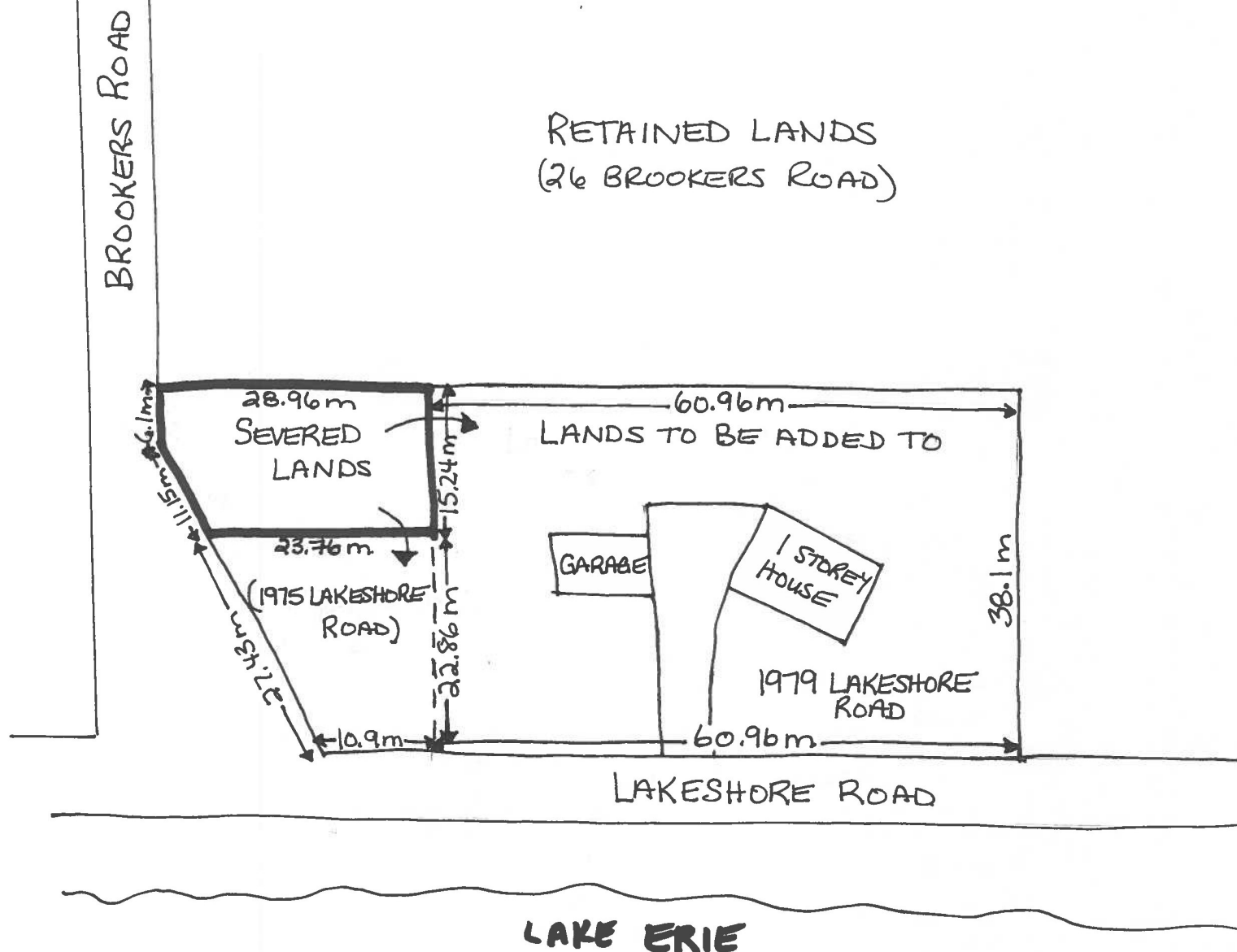
Owner's Sketch 1 of 2 FILE #PLB-2025-014 APPLICANT: McCallum

PLB-2025-014, Attachment 4



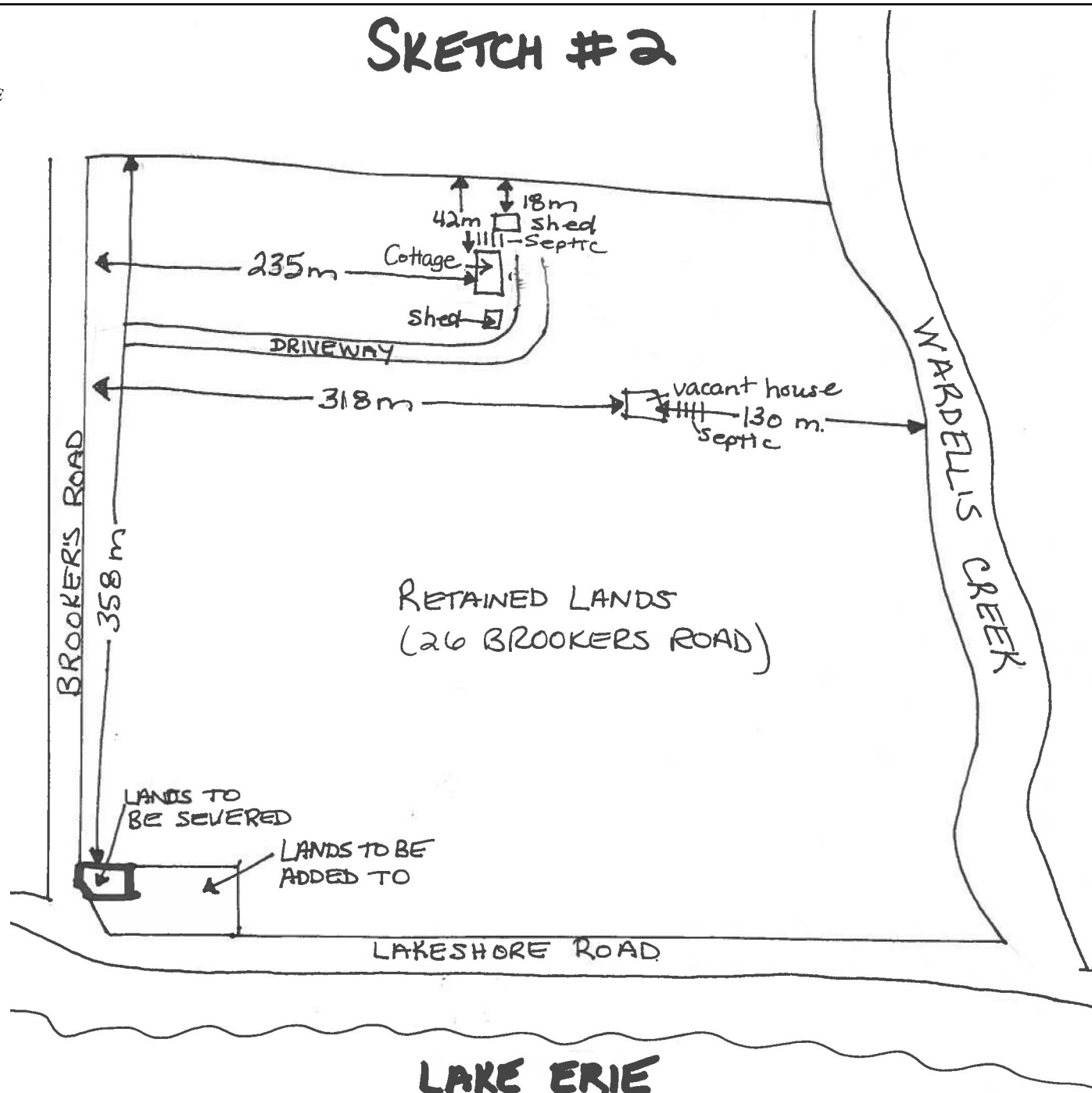
SKETCH #1

RETAINED LANDS
(26 BROOKERS ROAD)





SKETCH #2



Haldimand County Committee of Adjustment



Consent

File Number: PLB-2025-028

Property Roll Number: 2810-153-003-07350-0000

Applicant: Villam Ltd.

Agent: C. Edward McCarthy

Property Location: Oneida Concession 5 and 6, Part Block, Cook Part Block Dennis Part Lots, 58 and 59 Reference Plan 18R4425 Part 29, Known Municipally as 100 Broad Road, Caledonia

For consideration on: April 22, 2025

Summary

The applicant is proposing a surplus farm dwelling severance within the 'Agricultural "(A)" Zone of Haldimand County Zoning By-Law HC 1-2020. The proposed severed lands are to have a frontage of approximately 42.49 metres (139.4 feet) on Broad Road, and an area of 0.80 Hectares (2 acres). The retained lands will have a frontage of approximately 832.3 metres (2,730.6 feet) on Broad Road and 231.5 metres (759.5 feet) of frontage along 4th Line, and an area of 43.23 hectares (106.8 acres).

Recommendation

THAT application PLB-2025-028 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant is proposing to sever a parcel of land containing a surplus farm dwelling and a large accessory structure. The severed lands will have a frontage of approximately 42.49 metres (139.4 feet) on Broad Road and an area of 0.80 hectares (2 acres), which will contain the existing dwelling and accessory structure. The retained lands, a corner lot, will have frontage of approximately 832.3 metres (2,730.6 feet) on Broad Road and 231.5 metres (759.5 feet) of frontage on 4th Line and an area of 43.23 hectares (106.8 acres), and will continue to be used for agricultural purposes.

Site Features and Land Use:

The subject lands are located in the geographic township of Oneida and fronts onto the east side of Broad Road with frontage on the north side of 4th Line. The proposed surplus farm dwelling lot(i.e., the severed lands) currently contains a residential dwelling and an oversized accessory structure. The retained lands are currently vacant and contains an active agriculture operation. The surrounding land uses are generally agriculture with associated residential uses.

The subject lands are designated “Agriculture” on Schedule “A.1” (Haldimand County North Land Use Plan) in the Haldimand County Official Plan and zoned ‘Agricultural “(A)”’ Zone in accordance with Haldimand County Zoning By-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

The septic bed and septic tank shall meet setbacks set out in 8.2.1.6. of the Ontario Building Code. All building setbacks to proposed property lines shall meet zone provisions of the Agricultural Zone in the Haldimand County Zoning By-law.

Haldimand County Planning & Development Services – Development Technologist:

Entrance permit or proof of entrance is required for the retained parcel.

Haldimand County Emergency Services:

No comments received.

Grand River Conservation Authority:

The GRCA has no objection to the proposed consent application.

Hydro One:

Hydro One’s main concern with application is if the hydro service that currently supplies the house on the property will be affected by the severance (ie. The line feeding the house will now be located within the farmlands once the severance has been completed). The party driving the severance of the property should submit a service request to Hydro One to have the service relocated off the farmland. This is to avoid any future conflicts with the house’s hydro service being located within the farmland. If the existing service line feeding the home is already located within the house properties lot lines after the severance is complete, no action is required.

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 Planning Statement, 2024 (PPS)

The subject lands are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area, outside settlement area boundaries. While lot creation in prime agricultural area is discouraged, the PPS does allow surplus farm dwelling severance per section 4.3.3.1(c).

4.3.3.1 Lot creation in prime agricultural areas in prime agricultural areas is discouraged and may only be permitted in accordance with the provincial guidance for:

c. one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:

1. the new lot will be limited to a minimum sized needed to accommodate the use and appropriate sewage and water services; and
2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective.

Planning Comment: The proposed surplus farm dwelling lot will generally meet the size criteria noted below and the retained lands will be rezoned to prohibit any further residential development. This will be included as a condition of consent.

It is Planning staff's opinion that the proposed surplus farm dwelling severance meets this section of the PPS and is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject lands are designated "Agriculture" in the Haldimand County Official Plan (OP).

The OP echoes the PPS and lot creation in the "Agriculture" designation shall be discouraged and may only be permitted in limited circumstances. Section 3.A.1) 10 d) states that a severance may be granted for a habitable farm dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling 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 dwelling shall be permitted on the retained lands. To ensure this, a zoning by-law amendment will be required that specifically excludes a dwelling from being permitted on the retained lands. If the title of the retained parcel is merged with the title of an adjacent farm holding, the zoning by-law amendment to restrict a new residential dwelling on the retained lands will not be required. The creation of the surplus farm dwelling lot will be based on the following:

- i) The severance shall generally be 0.4 hectares (0.99 acres) to 0.6 hectares (1.48 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include ensuring farm fields are not fermented, 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 severed lands are approximately 0.80 hectare (2.0 acres) in size. While the proposed severance is larger than the upper limit provided in the OP, the OP does provide some flexibility as it states that the severance shall "generally" be between 0.4 to 0.6 hectares. It is the opinion of Planning staff that the severance generally meets the intent of the OP.

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

Planning Comment: The severed lands will be serviced by the existing cistern and septic system. A septic evaluation will be required as condition of consent to ensure that the existing services meet applicable Ontario Building Code requirements.

- iii) 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 retained lands will contain an area of 43.23 hectares (106.8 acres), which is sufficient for a viable farming operation. A condition will be placed on the retained lands to maintain frontage and access onto a municipal road.

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

Planning Comment: There is no livestock operation on the subject lands. Therefore the MDS formulae does not apply.

- v) 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 severed lands are not located within 300 metres of licensed pits or 500 metres of licensed quarries.

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

Planning Comment: The severed and retained lands will maintain frontage on an existing public road (Broad Road and 4th Line).

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

Planning Comment: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources

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

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural "(A)" Zone in the Haldimand County Zoning By-law HC 1-2020. The "(A)" Zone permits agricultural uses, a single family dwelling, and residential accessory buildings. The Zoning By-law automatically rezones the severed lands and retained lands when the Committee of Adjustment approves surplus farm dwelling lots that are between 0.4 hectares (0.99 acres) to 0.6 hectares (1.48 acres) in size. Given that the severed lands are 0.80 (2.0 acres) in size, the severed lands and retained lands would not qualify for the automatic rezoning process, which prohibits new residential and residential related uses on the retained lands. Accordingly, a Zoning By-

law Amendment application will be included as a condition of consent, if approved, to prohibit future residential uses on the retained lands.

The “(A)” Zone requires a minimum lot size of 1,855 square metres (0.19 hectares) and a minimum lot frontage of 30 metres (98.43 feet). The severed lands will contain a lot area of approximately 8,000 square metres (0.80 hectares) with frontage of 42.49 metres (139 feet), which complies with the ‘Agriculture “(A)”’ Zone provisions in the Zoning By-law.

The General Provisions, specification Section 4.2 of the Zoning By-law permit a maximum accessory structure coverage of 200.0 square metres (2,152.8 square feet). The existing accessory structure is 297 square metres (3,197 square feet), which requires relief of 97 square metres (1,044 square feet).

A concurrent Zoning By-law amendment application has been submitted to prohibit future residential and residential-related uses on the retained lands in accordance with Provincial and County policies and to address the relief required due to the size of the existing accessory structure. A condition will be included with this consent application requiring approval of the Zoning By-law Amendment application.

It is Planning staff’s opinion that the subject application conforms to and maintains the intent of the Zoning By-law.

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 March 13, 2025.

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

A copy of the staff report has been provided to the applicant.

Attachments:

1. Condition Sheet
2. Location Map
3. Detail Map
4. Owners Sketch

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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
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. 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. 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.
5. 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.
6. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the retained lands. 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.
7. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 42.49 metres (139.4 feet), and an area of 0.80 hectare (1.98 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to jcleaver@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000

Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

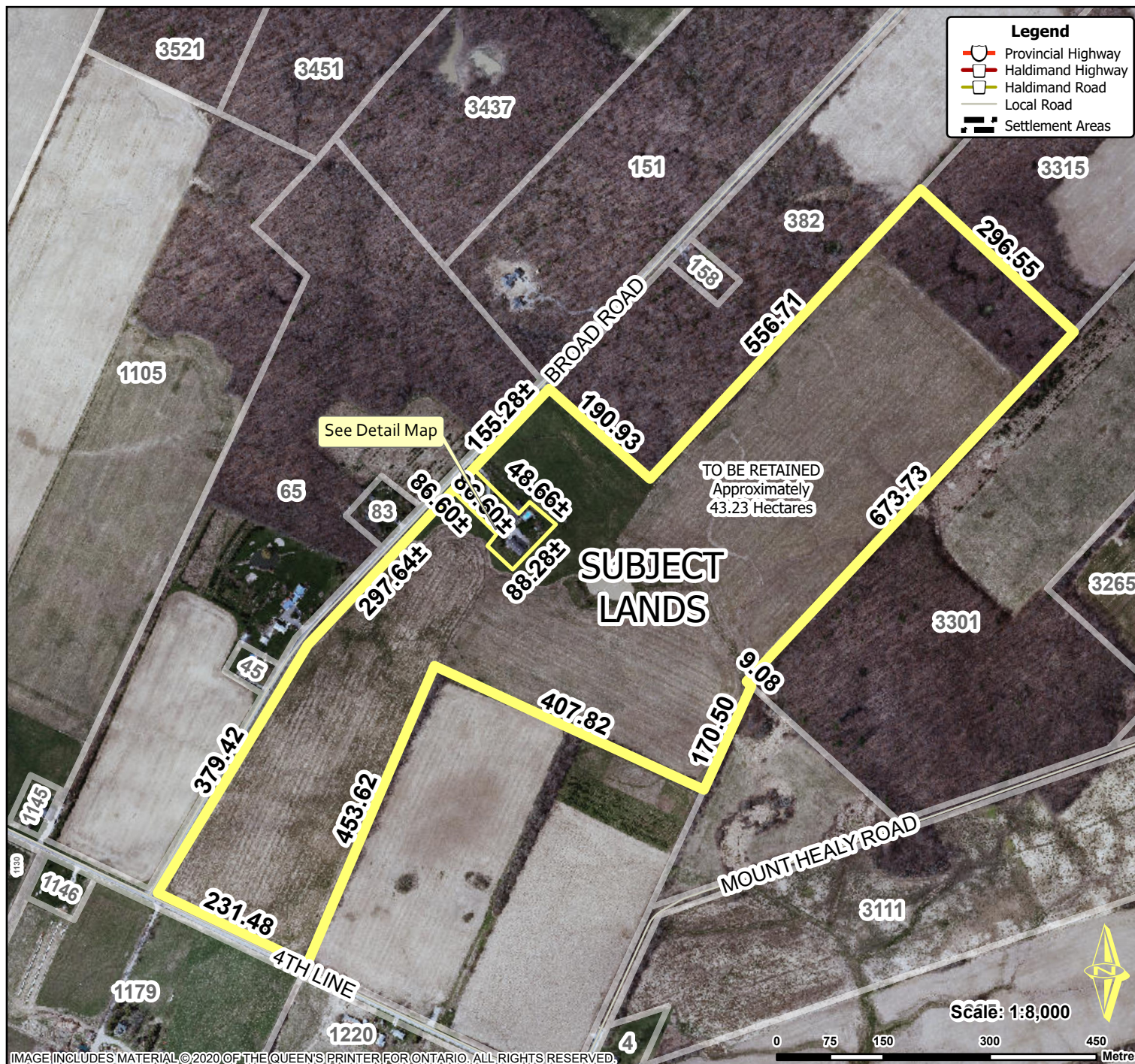
8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 22nd, 2027, after which time this consent will lapse.

File No. PLB-2025-028

Assessment Roll No. 2810.153.003.07350.0000

Location Map FILE #PLB-2025-028 APPLICANT: Bibija

PLB-2025-028, Attachment 2

Location:

100 BROAD RD
GEOGRAPHIC TOWNSHIP OF ONEIDA
WARD 4

Legal Description:

ONEIDA CON 5 AND 6 PT BLK COOK PT BLK
DENNIS PT LOTS 58 AND 59
RP 18R4425 PART 29

Property Assessment Number:

2810 153 003 07350 0000

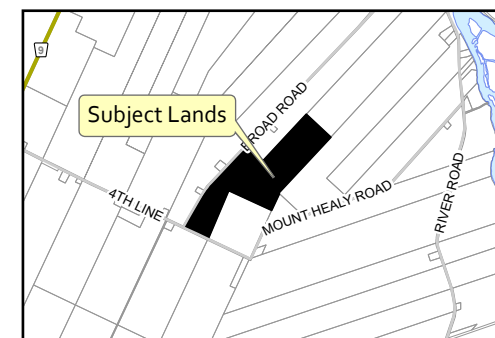
Size:

44.03 Hectares (108.80 Acres)

Zoning:

A (Agriculture), HCOP Natural Environment
Wetland Area, GRCA Regulated Lands,
HCOP Riverine Hazard Lands

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-2025-028 APPLICANT: Bibija

PLB-2025-028, Attachment 3



Location:
100 BROAD RD
GEOGRAPHIC TOWNSHIP OF ONEIDA
WARD 4

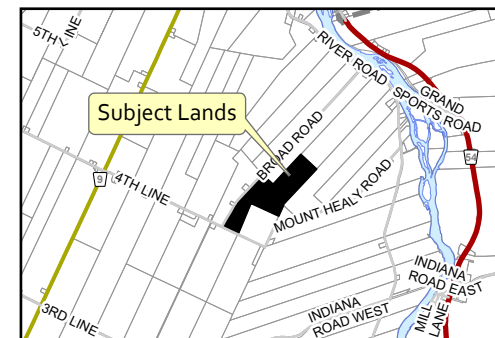
Legal Description:
ONEIDA CON 5 AND 6 PT BLK COOK PT BLK DENNIS PT LOTS 58 AND 59
RP 18R4425 PART 29

Property Assessment Number:
2810 153 003 07350 0000

Size:
44.03 Hectares (108.80 Acres)

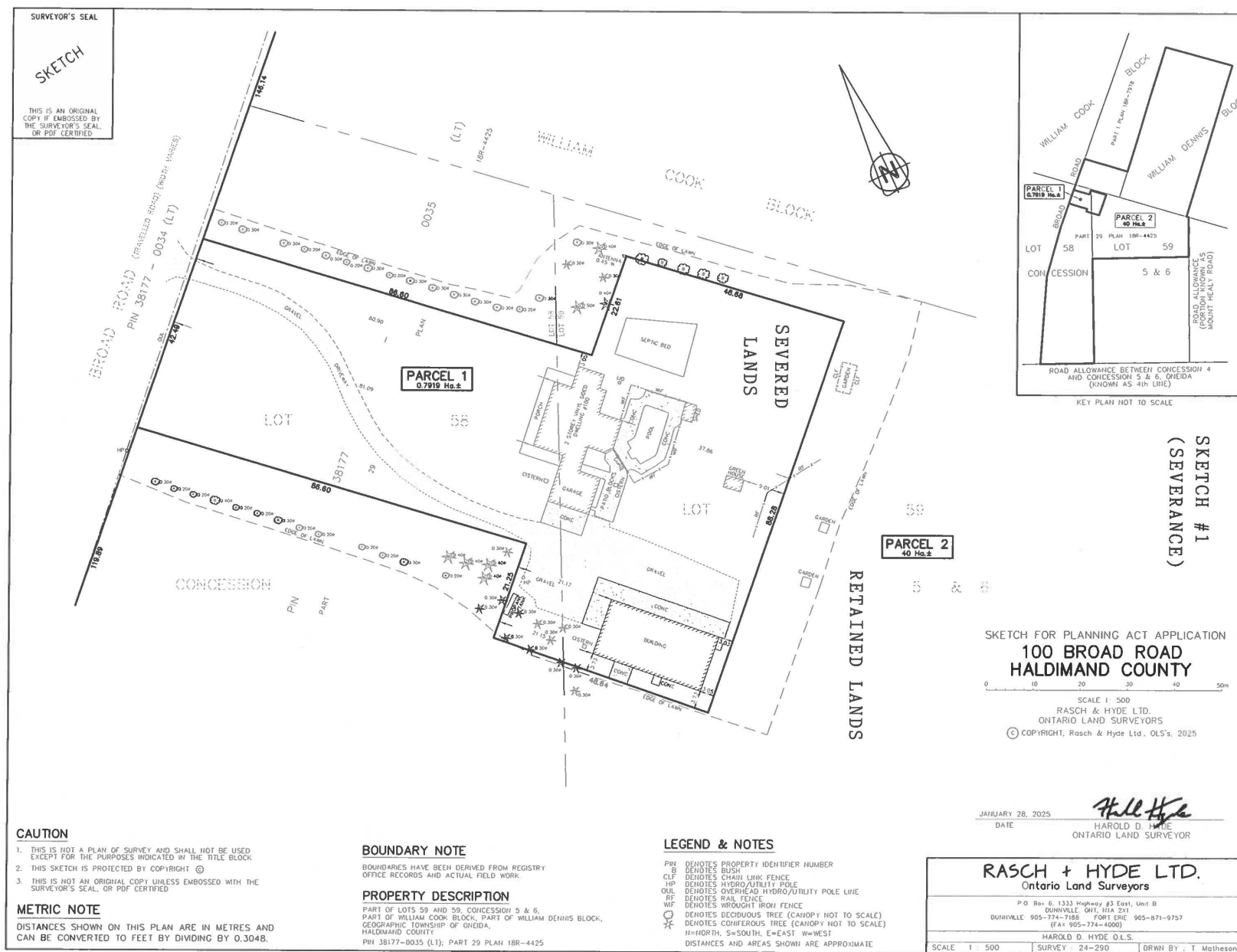
Zoning:
A (Agriculture), HCOP Natural Environment Wetland Area, GRCA Regulated Lands, HCOP Riverine Hazard Lands

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.



Owner's Sketch FILE #PLB-2025-028 APPLICANT: Bilbija

PLB-2025-028, Attachment 4



Haldimand County Committee of Adjustment



Consent

File Number: PLB-2025-037

Property Roll Number: 2810-151-003-01400-0000

Applicant: Jonathon Creighton

Agent: No agent

Property Location: Caledonia Part Lot 20 North Caithness, Known Municipally as 322 Caithness Street East, Caledonia

For consideration on: April 22, 2025

Summary

The applicant is proposing to sever the subject lands to permit the construction of two (2) semi-detached dwellings. The severed lands will have a frontage of 22.83 metres (74.9 feet) and an area of 908.54 square meters (9,779.4 square feet), and the retained lands are to have a frontage of 22.83 metres (74.9 feet) and an area of 945.39 square metres (10,176.1 square feet).

Recommendation

THAT application PLB-2025-037 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal:

The applicant is proposing to sever the subject lands to permit the construction of two (2) semi-detached dwellings. The severed lands are to have a frontage of 22.83 meters (74.9 feet) on Robert Gordon Drive, and an area of 908.54 squared meters, and the retained lands are to have a frontage of 22.83 meters (74.9 feet) onto Robert Gordon Drive, and an area of 945.39 square meters.

The subject lands were previously subject to a Zoning By-law Amendment application (PLZ-HA-2023-209), which was approved by Council on June 24, 2024. The subject lands were rezoned from 'Urban Residential Type 1-A "(R1-A)" Zone to 'Urban Residential Type 2 (R2-H) with a Holding (H) Provision to permit the development of two (2) semi-detached dwellings.

The Holding (H) Provision can only be removed upon the submission and acceptance of a Lot Grading and Drainage Plan and archaeological investigation prior to any development or site alteration.

Site Features and Land Use:

The subject lands are a corner lot located in the Urban Area of Caledonia and fronts onto the west side of Robert Gordon Drive and on the north side of Caithness Street East. The subject lands were created through a previously approved consent application (PLB-2022-148) in order to create the future lot fabric for the semi-detached dwellings. The consent application is to create two (2) building lots for two (2) semi detached dwellings and are currently vacant.

The subject lands are designated “Residential” on Schedule “B.1” (Caledonia Urban Area Land Use Plan) in the Haldimand County Official Plan and zoned ‘Urban Residential Type 2 “(R2)”’ Zone. Surrounding land uses consist primarily of low density residential in the form of single detached dwellings.

Existing Intensive Livestock Operations:

Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Must be able to connect to municipal services. Must meet the Residential Zone 2 (R2) setbacks of the Haldimand County Zoning By-Law HC 1-2020. Must meet overhead hydro setbacks (4.8m min). Sight triangle for corner lot to comply with 4.56 of zoning bylaw.

Haldimand County Planning & Development Services – Development Technologist:

Lot Grading has been previously reviewed and approved as part of PLB-2022-148.

Haldimand County Emergency Services:

No comments received.

Enbridge Gas

Enbridge Gas Inc.’s request that prior to registration of the plan, the Owner shall make satisfactory arrangements with Enbridge Gas Inc. (Enbridge Gas) to provide the necessary easements and/or agreements required by Enbridge Gas for the provision of local gas service for this project. Once registered, the owner shall provide these easements to Enbridge Gas at no cost, in a form agreeable and satisfactory to Enbridge Gas.

Hydro One:

No comments or concerns.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

MCFN DOCA has completed its review and has no questions or concerns regarding the Stage 1 & 2 Archaeology Assessment.

Six Nations:

No comments received.

Public:

No comments received.

Planning Analysis

Provincial Planning Statement, 2024 (PPS)

The Provincial Planning Statement, 2024 (PPS) states that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns that accommodate an appropriate affordable market-based range and mix of residential housing types. Specifically, with regards to intensification in existing settlement areas, Section 2.3.1.3 of the PPS states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options. Further, as it pertains to housing, Section 2.2.1 of the PPS permits and promotes all types of residential intensification, redevelopment and new compatible housing options which result in a net increase in residential units.

Planning Comment: While this application is to sever the lot to create two building lots for the development of 2 semi-detached dwelling, this does represent a mild form of residential intensification and provides additional residential units within a settlement area boundary and efficiently uses existing infrastructure (municipal water and sanitary services) without the need for any extensions or boundary expansions.

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

Haldimand County Official Plan (OP)

Residential Designation

The subject lands are designated “Residential” on Schedule “B.1” (Caledonia Urban Area Land Use Plan) in the Haldimand County Official Plan. Section 4.B.2)2 of the OP states that the predominant land use within the “Residential” designation shall be for residential purpose, including all forms of residential development in accordance with the policies of this plan.

Development shall proceed in an orderly, phased manner contiguous to existing development and take into consideration the availability of services.

Planning Comment: The proposal is to sever the subject lands into two (2) viable parcels to facilitate the future development of two (2) semi-detached dwellings. The land use to permit the semi-detached dwellings was previously established through Zoning By-law Amendment application PLZ-HA-2023-209 and enacted through By-law No. 1383-HC/24. Full municipal services are available (i.e., water, sanitary and storm) at the property lines.

Infill and Intensification

Section 4.B.7 of the OP states that Haldimand County will support measures to provide residential intensification such as conversion, infilling and redevelopment in areas where residential uses are permitted. The intensification of residential development reduces the need to expand urban boundaries and use existing services more efficiently. Residential intensification, infilling and redevelopment of existing areas allows for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of housing needs and to achieve the intensification strategy set out in Section 4.B.8.

In addition, pursuant to Section 4.B.8.d) of the OP, intensification within the stable residential neighbourhood is permitted provided such intensification respects and reinforces the stability of the residential neighbourhoods, is not out of keeping with the physical character of those neighbourhoods, and is of a scale and built form that reflects the surrounding neighbourhood. Further, as stated in Section 4.B.9, small scale intensification may be permitted in all areas designated for residential use, subject to the design criteria of Section 4.B.2) 6, except where infrastructure is inadequate or there are significant physical constraints.

Planning Comment: The subject lands received prior approvals for consent and a zoning by-law amendment applications to create the necessary lot fabric and to establish the land use to facilitate the future development of two (2) semi-detached dwelling units). The proposal represents a small-scale residential infilling project, which results in a net increase of residential units to the subject lands in accordance with Provincial and County policies. The semi-detached dwellings meet the applicable provisions of the “(R2)” Zone, utilizes existing municipal services and will provide adequate, on-site parking.

It is the opinion of Planning staff that the proposal conforms with the general intent and purpose of the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned ‘Urban Residential Type 2 “(R2)”’ Zone in the Haldimand County Zoning By-law HC 1-2020. The “(R2)” Zone permits semi-detached dwellings, in addition to single detached dwellings and accessory dwelling units (ADUs) . The proposed severance is to create two (2) building lots so that the foundation of the semi-detached dwellings can be established, ensuring that the units can be separated through a future consent application along the common wall. The proposed severed and retained lands will have an area of approximately 908.5 square metres and 945.39 square metres respectively, which are sufficient in size and are able to provide the required lot area of “(R2)” Zone provisions for semi-detached dwellings. The proposed building lots will have a frontage of 22.8 metres (75 feet), which the proposed lots will be able to provide sufficient frontage for the semi-detached dwellings. Additionally, the severed and retained lands are expected to meet all the other zoning provisions in the zoning by-law.

It is the opinion of Planning staff that the proposal conforms with the general intent and purpose of the Zoning By-law.

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 March 30, 2025.

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

A copy of the staff report has been provided to the applicant.

Attachments:

1. Condition Sheet
2. Location Map
3. Owner's Sketch

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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
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. Prior to registration of the plan, the Owner shall make satisfactory arrangements with Enbridge Gas Inc. (Enbridge Gas) to provide the necessary easements and/or agreements required by Enbridge Gas for the provision of local gas service for this project. Once registered, the owner shall provide these easements to Enbridge Gas at no cost, in a form agreeable and satisfactory to Enbridge Gas. Proof of this agreement/easement to be sent to the Secretary Treasurer prior to signing of the certificate.
4. The applicant will provide the Planning & Development Department with a survey showing either the required Daylight Triangle, with measurements conforming to the requirements set out in Table 4.56 of Zoning By-law HC 1-2020 or showing that the lands conform to the requirements set out in Table 4.56 of Zoning By-Law HC 1-2020 and do not require a daylight triangle. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication, have been satisfied. The daylight triangle is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 22.83 metres (74.9 feet), and an area of 908.54 square metres (9,779.44 square feet). 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 jcleaver@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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 April 22nd, 2027, after which time this consent will lapse.

File No. PLB-2025-037

Assessment Roll No. 2810.151.003.01400.0000

Location Map FILE #PLB-2025-037 APPLICANT: Creighton

PLB-2025-037, Attachment 2

Location:

**322 CAITHNESS STREET EAST
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

CAL PT LOT 20 N CAITHNESS

Property Assessment Number:

2810 151 003 01400 0000

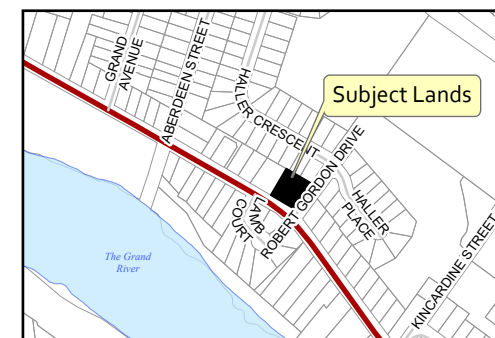
Size:

1,853.03 Square Meters (19,945.85 Square Feet)

Zoning:

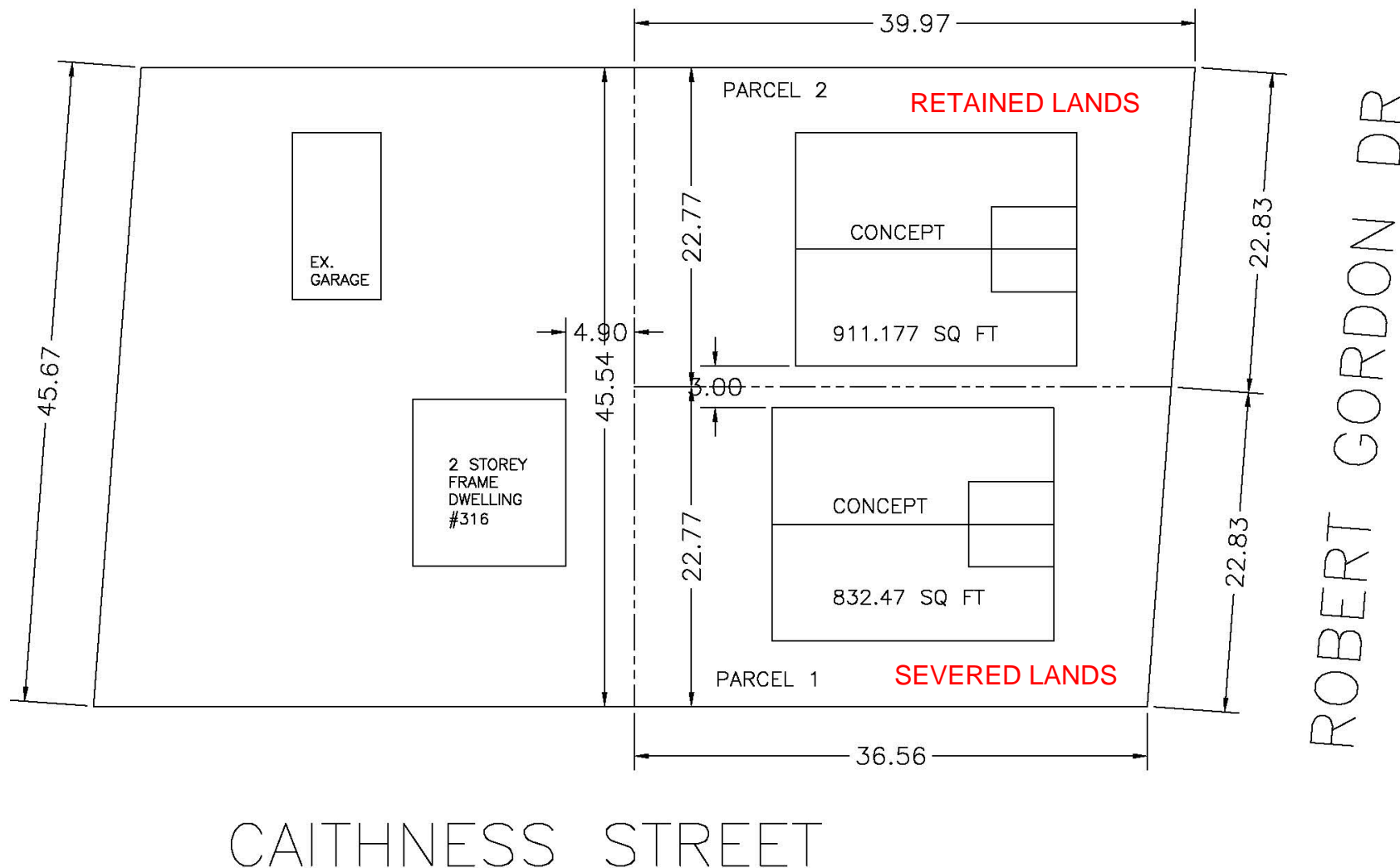
R2 (Urban Residential Type 2)

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.



Owner's Sketch FILE #PLB-2025-037 APPLICANT: Creighton

PLB-2025-037, Attachment 3





Haldimand County Committee of Adjustment

Minor Variance

File Number: PLA-2025-032

Property Roll Number: 2810-155-001-06400-0000

Applicant: Harry J. Wood

Agent: Julia Cangemi

Property Location: North Cayuga Concession 1, NTR Part Lot 41, Reference Plan 18R5542 Parts 1 & 2 , Known Municipally as 4489 Highway 3, Cayuga

For consideration on: April 22, 2025

Summary

Relief is requested to permit an accessory structure (i.e., detached garage) with a height of 7.80 metres (25.6 feet), whereas 6.5 meters (21.3 feet) is permitted, to allow for the proposed garage to have a second storey for personal storage usage. The subject lands are located within the 'Agricultural "(A)" Zone of the Haldimand County Zoning By-Law HC 1-2020.

Recommendation

THAT application PLA-2025-032 be APPROVED. The application meets the four tests of a minor variance.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission:

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses (Section 4.2) provisions, specifically pertaining to building height of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.5 metres (21.3 feet)	7.80 metres (25.6 feet)	1.3 metres (4.3 feet)

The relief is requested to permit the construction of a garage with a second storey for personal storage space that is above the maximum permitted height in accordance with the Accessory Uses, Buildings and Structures to Residential Uses (Section 4.2) provisions of the Zoning By-law. The proposed

accessory structure (i.e., detached garage) will have a height of 7.8 metres (25.6 feet) whereas the maximum permitted height is limited to 6.5 metres (21.3 feet). Accordingly, a variance of 1.3 metres (4.3 feet) is required to facilitate the proposal.

Site Features and Land Use:

The subject lands are located in the geographic township of North Cayuga and fronts onto the north side of Highway 3. The subject lands currently contain a single detached dwelling. The subject lands previously contained an accessory structure, which was destroyed by fire. The proposed replacement accessory structure will be located in generally the same location as the former structure. The proposal is to rebuild the accessory structure with a higher height. The surrounding land uses consist primary of agricultural with associated residential uses.

The subject lands are designated “Agricultural” with the Mineral Aggregate Resource Areas overlay on Schedule “A.2” (Haldimand County Southwest Land Use Plan) in the Haldimand County Official Plan (OP) and zoned ‘Agricultural “(A)”’ Zone in accordance with Haldimand County Zoning By-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

MTO Approvals will be required, and assurances that the setbacks for the septic system is in compliance with Part 8 of the Ontario Building Code.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns.

Haldimand County Emergency Services:

No concerns with application

Ministry of Transportation:

No concerns with the proposed minor variance application. No MTO Building and Land use permit is required for this proposed work.

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 “Agricultural” with the Mineral Aggregate Resource Areas overlay on Schedule “A.2” (Haldimand County Southwest Land Use Plan) in the Haldimand County Official Plan (OP), which contains policies intended to preserve and protect the long-term viability of the agricultural land base for agricultural purposes and to maintain an environment conducive to such purposes. These policy permissions include accessory buildings to existing and new residential dwellings.

While the OP does not contain specific policies pertaining to accessory buildings and structures, pursuant to Section 3.A.1.12, a single detached dwelling and accessory uses thereto may be permitted on an existing lot of record or on a lot created by consent in accordance with the policies of this plan and in accordance with the applicable zone provisions.

Therefore, it is Planning staff’s opinion that the subject application conforms to the 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 ‘Agriculture “(A)”’ in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory building that exceeds maximum permitted height. The proposed accessory building is to be used for personal storage and as a detached garage to replace the previous structure that was destroyed by fire.

The intent of limiting the height of accessory buildings is to ensure that they remain subordinate to the primary use on properties and to ensure that they do not negatively impact the character of the area. The proposed structure is to be used for personal storage and as a detached garage, accessory to the permitted single detached dwelling on the subject lands.

In terms of building height, the accessory building will be set back from the road and screened by existing trees. Additionally, there are existing farm buildings on the adjacent lot, close to the location of the proposed accessory structure, which the proposed accessory structure will not appear intrusive to the surrounding area. Therefore, the structure is not anticipated to negatively impact neighbouring properties or the character of the area.

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

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

Planning staff comment:

The proposed accessory structure will have similar height with the farm buildings on the adjacent lands and is intended to replace a previously existing accessory structure that was destroyed by fire. As such, it is not expected that the proposal will have any measurable impacts to the surrounding area and therefore, it is Planning Staff’s opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

Given the relatively small deviation of the Zoning By-law provisions to facilitate the proposal, and given that no objections or concerns have been received with respect to the subject Minor Variance application, staff are satisfied that the variance proposed is minor.

For the reasons listed above, it is Planning Staff's opinion that the subject 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 April 1, 2025.

A copy of the staff report has been provided to the applicant.

Attachments:

1. Location Map
2. Owner's Sketch 1
3. Owner's Sketch 2

Location Map FILE #PLA-2025-032 APPLICANT: HARRY WOOD

PLA-2025-032, Attachment 1



Location:

**4489 HIGHWAY 3
GEOGRAPHIC TOWNSHIP OF
NORTH CAYUGA
WARD 4**

Legal Description:

**NCAV CON 1 NTR PT LOT 41 RP
18R5542 PARTS 1 & 2**

Property Assessment Number:

2810 155 001 06400 0000

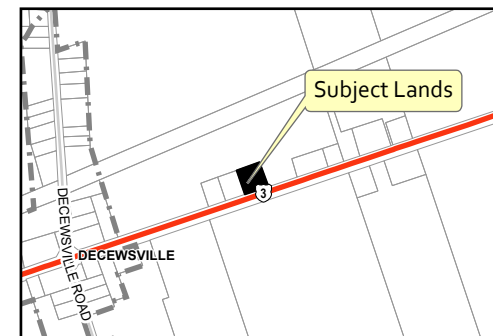
Size:

0.50 Hectares (1.22 Acres)

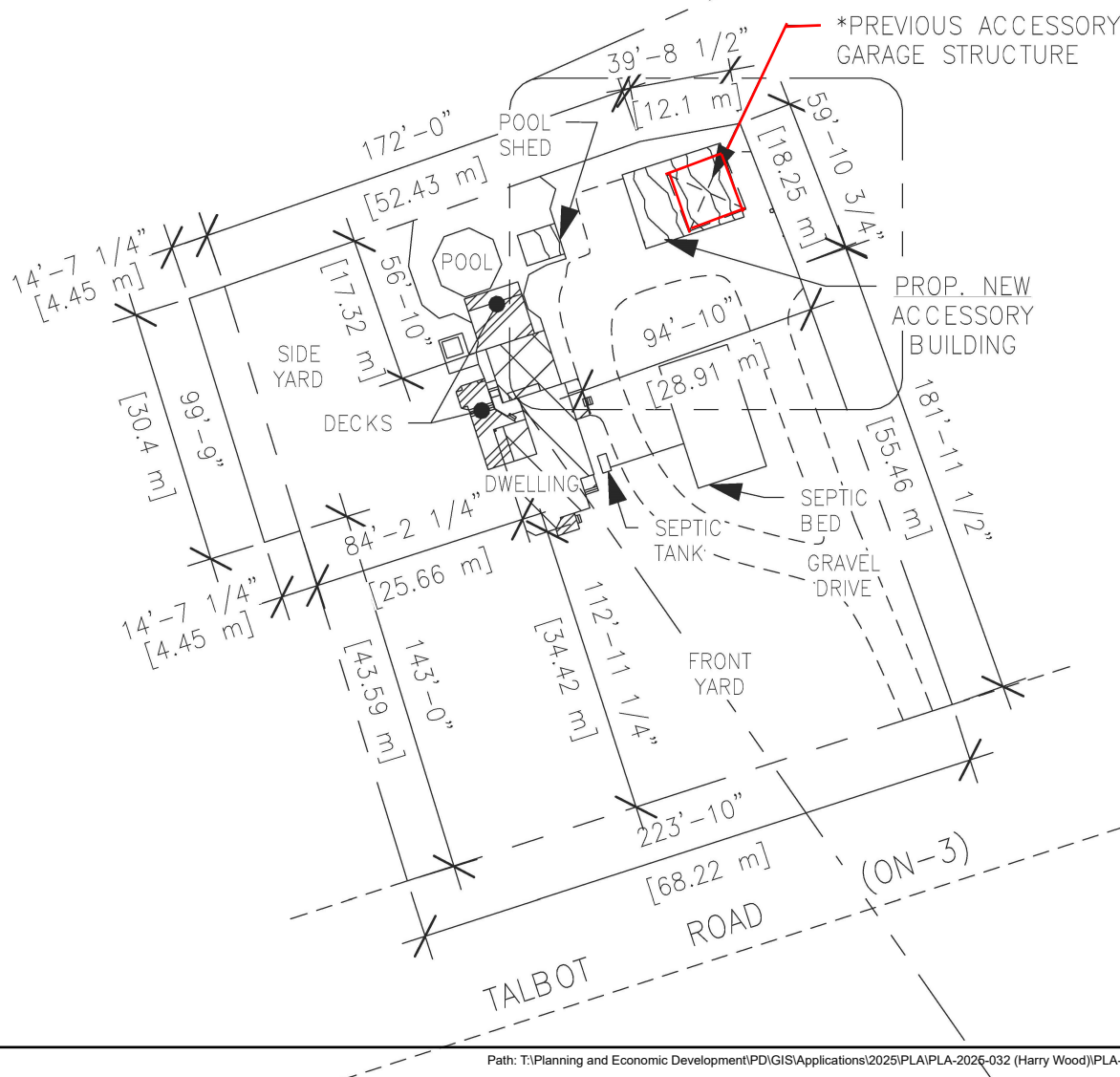
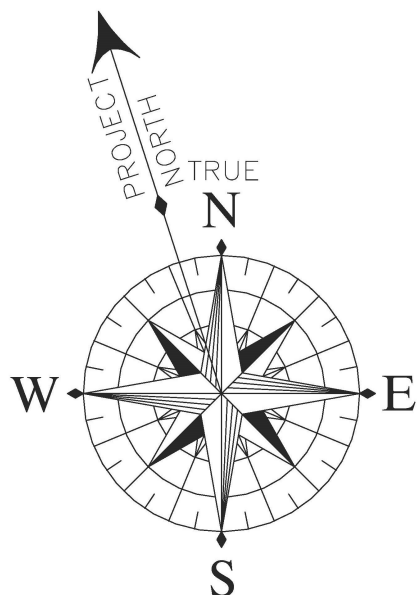
Zoning:

A (Agricultural)

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.

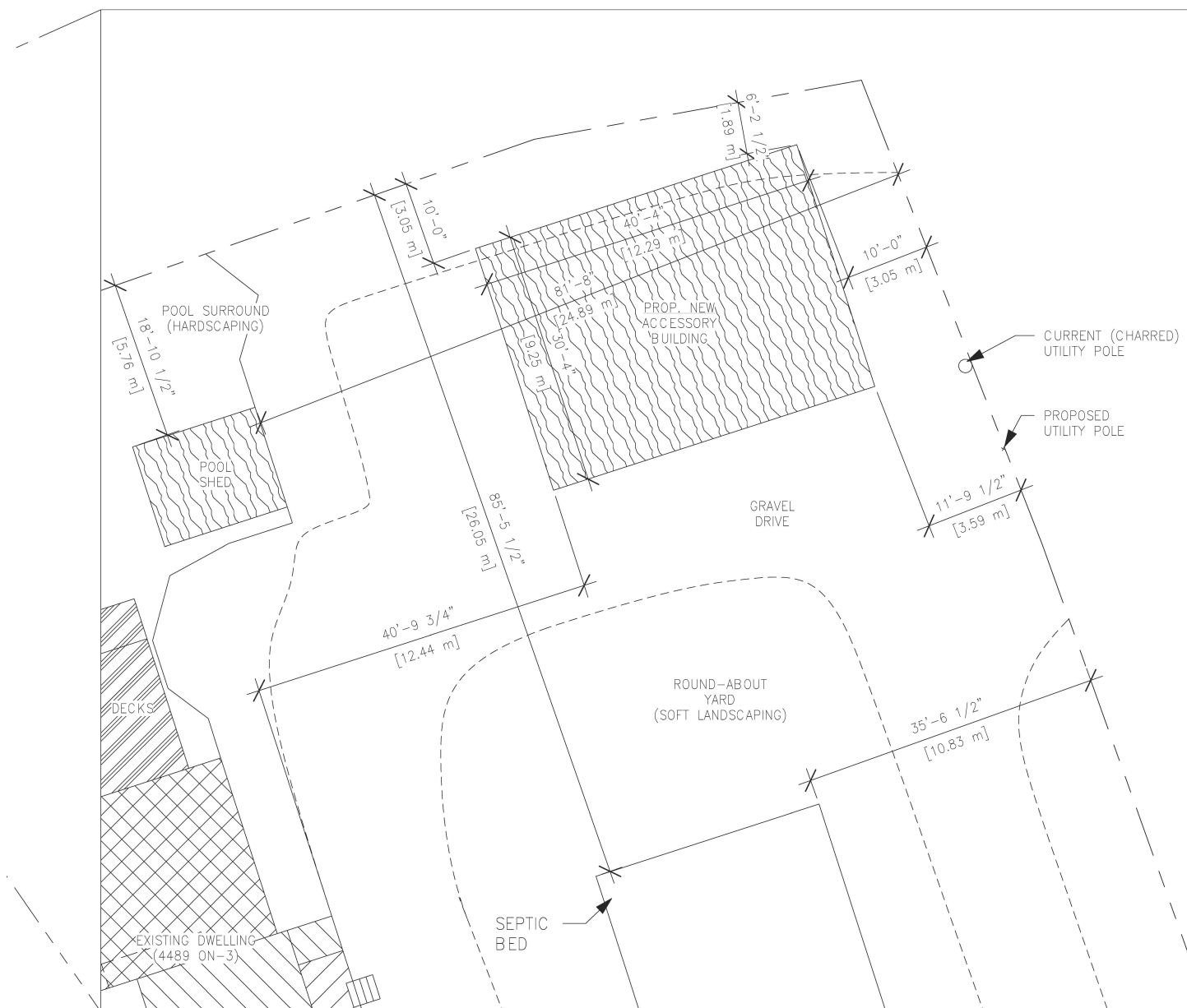


THIS IS NOT A LEGAL SURVEY AND
SHALL NOT BE USED FOR
MORTGAGE OR TRANSACTION
PURPOSES. PROPERTY LIMITS HAVE
BEEN COMPILED FROM LAND
REGISTRY OFFICE RECORDS



Owner's Sketch 2 of 2 FILE #PLA-2025-032 APPLICANT: HARRY WOOD

PLA-2025-032, Attachment 3



1b **SITE PLAN**
SP1.01 **1/16" = 1'-0"**



Haldimand County Committee of Adjustment

Minor Variance

File Number: PLA-2025-040

Property Roll Number: 2180-331-002-03300-0000

Applicant: Arnold Eising and Karen Eising

Agent: Kim Hessels

Property Location: Jarvis Plan 1650 Part Lot 2 East, Dennis Street Part Lot 1 North Davis, Street Part J McMickens Block, Known Municipally as 2013 Main Street South, Jarvis

For consideration on: April 22, 2025

Summary

The application proposes relief from the Exterior Side Yard, Front Yard, Rear Yard and the Gross Leasable Floor Area provisions of the 'Downtown Commercial "(CD)"' Zone of Zoning By-law HC 1-2020 to permit the replacement of a legal, non-conforming detached dwelling. The proposed new dwelling will have a larger footprint than the previous one on site. This application is to be considered under Section 45(2) of the *Planning Act*, which allows for the enlargement or extension of a legal, non-conforming building or structure. Planning staff recommend approval of this application as it is considered appropriate and compatible development.

Recommendation

THAT application PLA-2025-040 be APPROVED subject to the attached conditions. The application meets the four tests of a Minor Variance and is considered appropriate and compatible development.

- 1) 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. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission

Proposal: Relief is requested from the exterior side yard set back, front and rear yard set back and gross leasable floor area provisions of the ‘Downtown Commercial “(CD)”’ Zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Exterior Side Yard (corner lot)	Exterior Side Yard (West Side) 32.81 metres (107.6 feet)	Exterior Side Yard (West Side) 14.21 metres (46.6 feet)	Exterior Side Yard (West Side) 18.6 metres (61 feet)
Front Yard	22.98 metres (75.4 feet)	16.41 metres (53.8 feet)	6.57 metres (21.5 feet)
Rear Yard	8.66 metres (28.4 feet)	5.80 metres (19 feet)	2.86 metres (9.4 feet)
Gross Leasable Floor Area, as per section 4.41.1.	152.45 sq. metres (1,641 sq. feet)	290.43 sq. metres (3,126.2 sq. feet)	137.98 sq. metres (1,485.2 sq. feet)

The relief is requested to permit the replacement of a legal, non-conforming detached dwelling with a larger footprint than the previously existing dwelling. The subject application is to address the above noted development standards within the ‘Downtown Commercial “(CD)”’ Zone for a legal, non-conforming building. Given that the original structure is considered to be legal, non-conforming (i.e., was established prior to the passing of Zoning By-law HC 1-2020), the minimum development standards, or the required development standards, are considered to be the baseline and the deficiencies are based on the differences between what was existing and what is now proposed through the subject application.

Site Features and Land Use:

The subject lands are located in the Urban Area of Jarvis, in the geographic township of Walpole and fronts onto the west side of Main Street South. The subject lands are currently vacant as the former building has been recently demolished. A demolition permit was issued on February 4, 2025 to remove the existing single detached dwelling and accessory structure. The surrounding land uses are generally downtown commercial, residential and community institutional in nature.

The subject lands are designated “Community Commercial” on Schedule “B.5” (Jarvis Urban Area Land Use Plan) in the Haldimand County Official Plan and zoned ‘Downtown Commercial “(CD)”’ in accordance with Haldimand County Zoning By-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Comments for any future residential projects: Any future residential projects such as building a covered porch, home addition, garage extension, sunroom, etc. may require another planning application.

Comments for survey: A survey is required after foundation inspection and before framing inspection to confirm location of proposed dwelling matches with proposed grading plan.

Comments for proposed outbuilding (Southwest Corner of property): The proposed outbuilding requires fire separation to be in compliance with the Ontario Building Code. In the future, if the outbuilding is converted into a secondary suite, fire separation and spatial separation must be in compliance with the Ontario Building Code. Secondary suite must also comply with Section 4.55 In the Haldimand County Zoning By-law.

Haldimand County Planning & Development Services – Development Technologist:

Lot grading plan will be required, or proof of existing accepted lot grading plan.

Haldimand County Emergency Services:

No comments received.

Hydro One:

No concerns with 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

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 “Community Commercial” on Schedule “B.5” (Jarvis Urban Area Land Use Plan) in the Haldimand County Official Plan and within an identified Intensification Area/Corridor. Single detached dwellings are generally not permitted in the “Community Commercial” designation, which permits residential uses generally in the form of apartments. While the property is vacant at this time, the property recently contained a single detached dwelling with accessory structure and the proposed use is considered to be the same.

Further, the OP, specifically Section 8.E.4 permits the enlargement or extension of legally non-conforming uses subject to conditions which generally require that such proposals do not negatively impact surrounding properties. Low density dwellings are located west and south of the subject lands. Replacement of the previously existing dwelling with a dwelling with larger footprint is not expected to have negative impacts on the surrounding properties and is expected to continue to be compatible and appropriate development for the subject lands and area.

Accordingly, it is staff’s opinion that the subject application has regard for and meets the general intent and purpose 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 ‘Downtown Commercial “(CD)”’ Zone in the Haldimand County Zoning By-law. While new single detached dwellings are not permitted in the “(CD)” Zone, the Zoning By-law permits the replacement of a legally established, non-conforming use provided the replacement will not significantly increase the original gross usable floor area or volume of the building, the use of the building is not altered to another use, and the yards are not reduced except in accordance with the provisions of the Zoning By-law.

The subject lands conform to the lot frontage and area provisions of the “(CD)” Zone, however, the new dwelling does not conform to the current setback provisions compared to those previously established when the former structure was constructed. The intent of setback provisions is to ensure adequate space for light, air, privacy, safety and emergency access while also contributing to the overall aesthetic and functional quality of a neighbourhood. Considering that the proposal contemplates the replacement of a legal non-conforming residential dwelling, the impact is considered to be minor and meets the general intent and purpose of the Zoning By-law.

Therefore, it is the opinion of Planning staff that the proposal meets 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: Given that the purpose of the subject application is to replace and enlarge a legal, non-conforming use (i.e., single detached dwelling) and the proposal does not increase the intensity or useability of the site, staff are of the opinion that the proposed development permitted by the subject Minor Variance application continues to be desirable for the appropriate development of the subject lands.

4. Is the application minor?

Planning Staff Comment: The subject application is to permit the enlargement of a legal, non-conforming use, specifically, to replace the pre-existing single detached dwelling with a larger single detached dwelling. The variance will also address a number of deficiencies, namely setbacks from lot lines and gross floor area that are based on the pre-existing, non-conforming structure with minor deviations from those figures. As such, this will not result in an increase in intensity or useability of the site and it is the opinion of Planning staff that the application is minor.

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 March 14, 2025.

A copy of the staff report has been provided to the applicant.

Attachments:

1. Location Map
2. Owner’s Sketch

Location Map FILE #PLA-2025-040 APPLICANT: Eising

PLA-2025-040, Attachment 1

Location:

**2013 MAIN STREET SOUTH
URBAN AREA OF JARVIS
WARD 1**

Legal Description:

**JAR PLAN 1650 PT LOT 2 E DENNIS ST PT
LOT 1 N DAVIS ST PT J MCMICKENS BLOCK**

Property Assessment Number:

2810 331 002 03300 0000

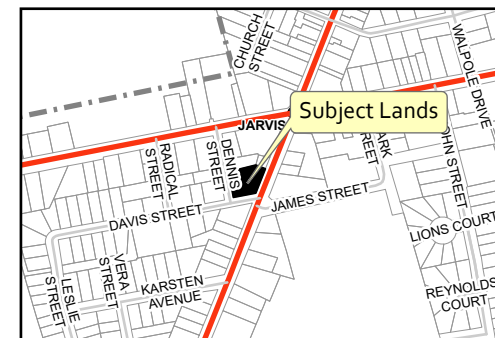
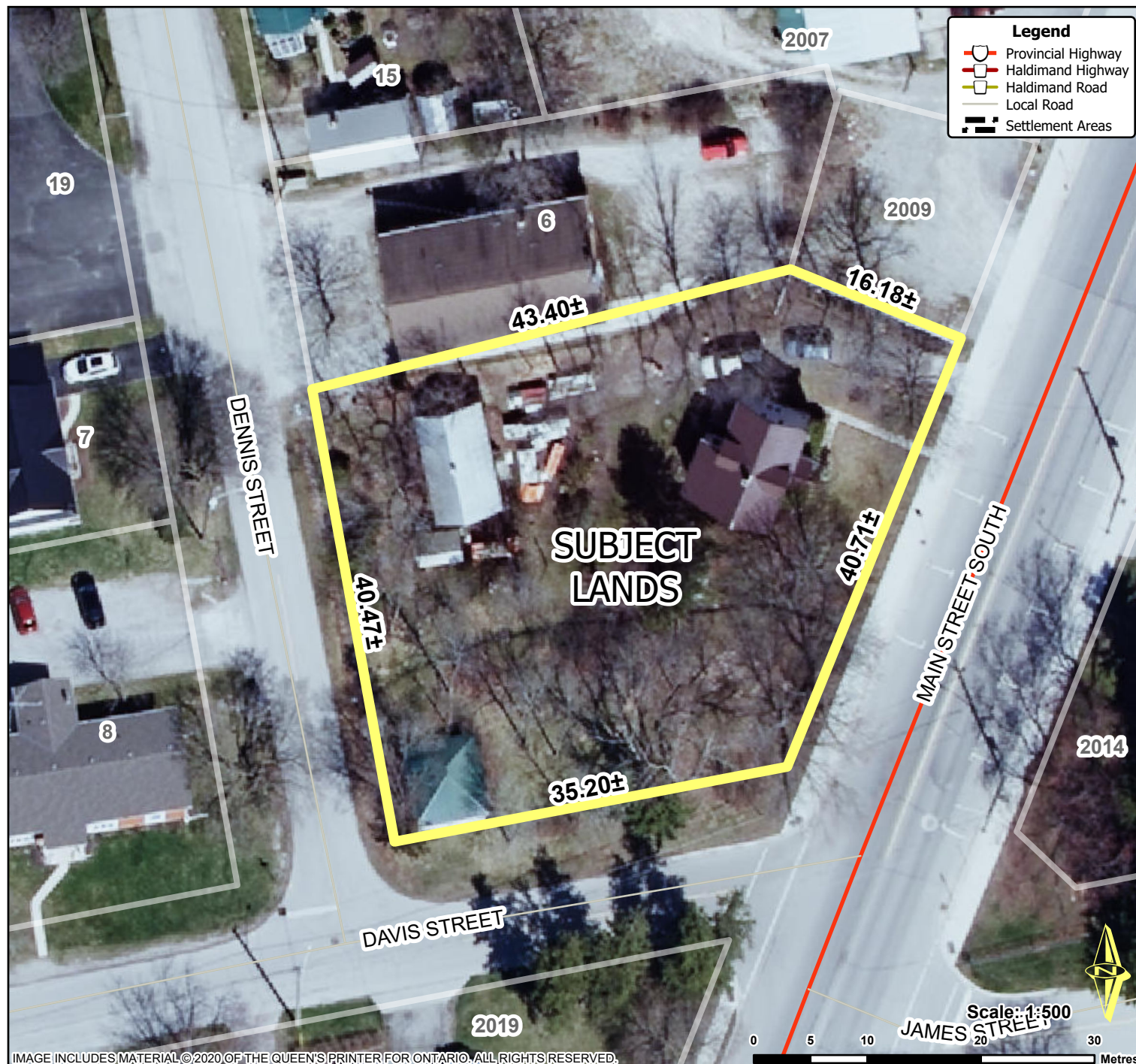
Size:

1780.62 Square Meters (0.18 Hectares/0.44 Acres)

Zoning:

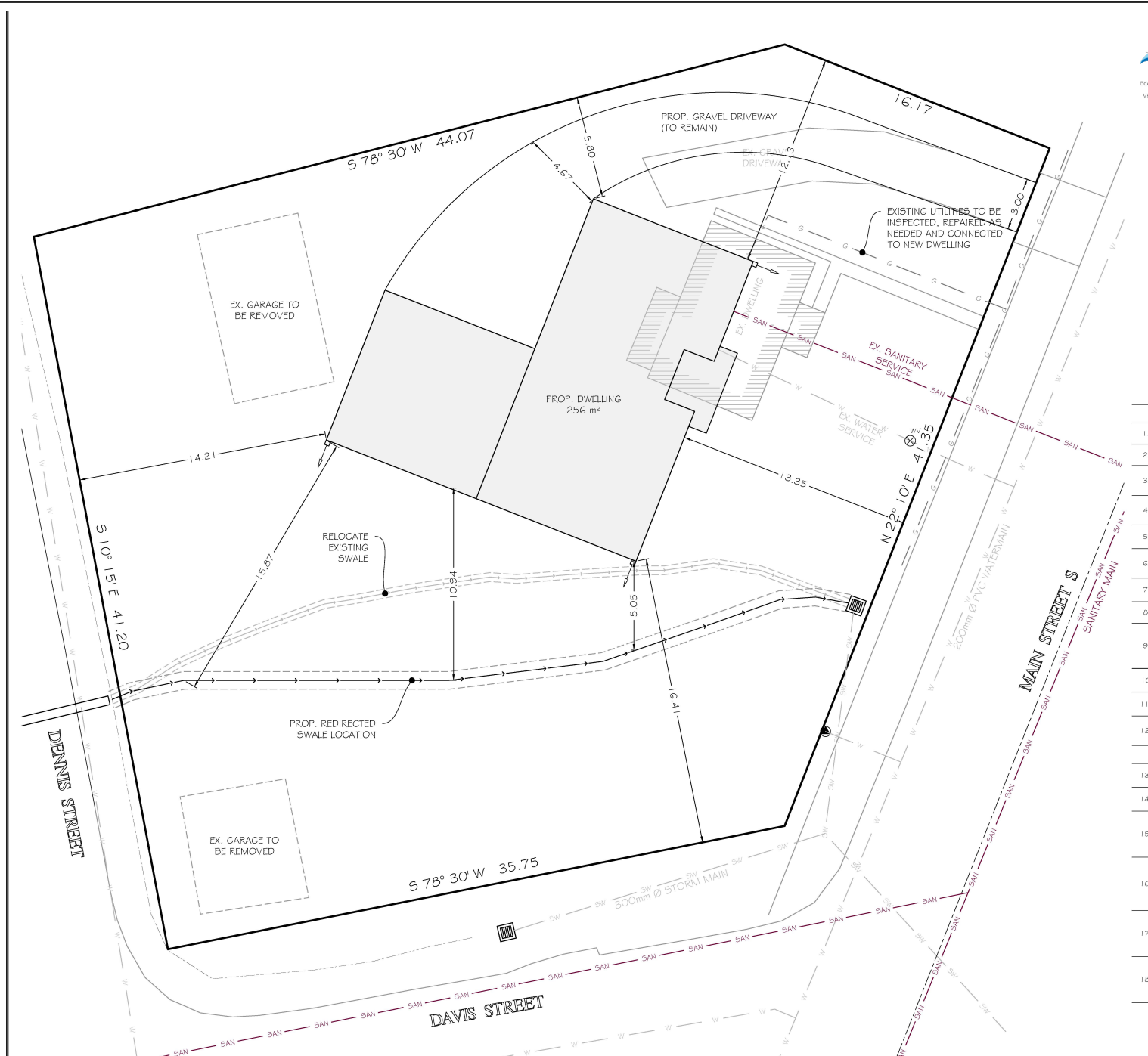
CD (Downtown Commercial)

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.



Owner's Sketch 1 FILE #PLA-2025-040 APPLICANT: Eising

PLA-2025-040, Attachment 2





Haldimand County Committee of Adjustment

Minor Variance

File Number: PLA-2024-166

Property Roll Number: 2810-022-003-03800-0000

Applicant: David Rose

Agent: Kim Hessels

Property Location: Canborough Concession 2 Part Lot 6 & 7 Reference Plan, 18R6111 Part 1, No Municipal Address

For consideration on: April 22, 2025

Summary

Relief is requested to allow for the “retained lands” to have a frontage of 13.53 meters (44.4 feet), whereas 30 metres (98.4 feet) is required within the ‘Agricultural “(A)” Zone, as a condition to the previously approved consent application PLB-2024-084.

Recommendation

THAT application PLA-2024-166 be approved subject to the condition below. The application meets the four tests of a minor variance.

Condition 1: That a septic evaluation for the severed parcel be completed and submitted to the Secretary - Treasurer, Committee of Adjustment for review and 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.

Condition 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. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

Condition 3: Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. 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.

Condition 4: Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The County is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner, Planning and Development

Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development

Details of the Submission

Proposal: Relief is requested from the lot frontage provisions of the 'Hamlet Residential "(RH)"', and the 'Agricultural "(A)"' Zones of Haldimand County Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Minimum Lot Frontage	30 metres (98.4 feet)	13.53 metres (44.4 feet)	16.47 metres (54 feet)

The relief is requested to permit a minimum lot frontage of 13.53 metres (44.4 feet) for the "retained" parcel as shown on the location map (Attachment 1). The applicant is seeking relief of the minimum lot frontage provisions of the 'Agricultural "(A)"' and 'Hamlet Residential "(RH)"' Zones as a condition of consent to allow for the portion of the subject lands located within the Hamlet boundary be severed with the intention of future development.

Site Features and Land Use:

The subject lands are located in the geographic township of Canborough and fronts onto the west side of Robinson Road. Additionally, the lot has frontage on the south side of Hart Road (to the north). The subject lands are currently vacant and being actively farmed. The surrounding land uses consist of agriculture with associated residential dwellings.

The subject lands are designated "Hamlet" in part and "Agriculture" in part with the Riverine hazards Lands overlay on Schedule "C.1" Hamlet of Attercliffe Station in the Haldimand County Official Plan and zoned "Hamlet Residential "(RH)"' and 'Agriculture "(A)"' Zones in accordance with Haldimand County Zoning by-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments.

Haldimand County Planning & Development Services – Development Technologist:

Lot grading plan required, entrance permit required for retained parcel, and drainage reapportionment required.

Haldimand County Emergency Services:

No comments.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments received.

Niagara Peninsula Conservation Authority:

NPCA has reviewed the provided Topographical Site Plan and notes that flood hazard is accurately identified. The NPCA can support the topographic survey as presented. As per the NPCA Policies, NPCA has no objection to the proposed dwelling and septic outside the floodplain at the subject property. NPCA will require appropriate Erosion and Sediment Control measures to be installed to prevent the transport of materials and sediment from the work area to the adjacent NPCA Regulated Features. NPCA will require any fill and machinery is kept outside the NPCA regulated 100-year floodplain. Any future development within a NPCA Regulated area will require NPCA review, approval and Permits from this office prior to the commencement of any works on site.

Ministry of Transportation:

No comments.

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 part and “Agriculture” in part on Schedule “C.1” (Hamlet of Attercliffe Station) in the Haldimand County Official Plan (OP). The OP aims to protect the viability of prime agricultural areas for long-term agricultural use. A consent application was conditionally approved previously to create a surplus farm dwelling lot.

Section 3.A.1) of the OP states that:

“The predominant use of lands within areas designated Agricultural shall be agriculture. Agriculture is defined as the growing of crops, including nursery, biomass, and horticultural crops, woodlot management, raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; aviaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.”

The retained lands are currently and will continue to be used for agriculture purposes, subject to meeting the applicable regulations of the Zoning By-law.

Therefore, it is the opinion of Planning Staff that the proposal conforms to the general intent of the OP.

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

Planning staff comment:

The subject lands are zoned ‘Agricultural “(A)”’ in part and ‘Hamlet Residential “(RH)”’ in part, in accordance with the Haldimand County Zoning By-law HC 1-2020. The subject lands currently have an existing entrance that fronts onto Robinson Road and the entrance portion of the subject lands are within the “(RH)” Zone.

Section 2.3.2 of the Zoning By-law states that “Where a lot has more than one zone applied thereon, the permitted uses and general provisions of either zone may be applied to the entirety of the lot in accordance with the general provisions applicable to the permitted use.” Both the “(A)” and “(RH)” Zones require a minimum frontage of 30 metres (98.4 feet) and the proposed frontage is 13.53 metres (44.4 feet). Since the “(A)” and “(RH)” Zones require the same minimum lot frontage, the deficiency mirrors that provision of either zone. The intent of the minimum lot frontage provision for agriculture lots is to ensure that there is adequate primary access along a road or street, ensure adequate separation distance between primary structures and to ensure farm equipment can access the retained parcel. While the subject lands have existing frontage with an entrance on Robinson Road, the subject lands also have frontage on Hart Road to the north, which is a municipally maintained road. Should the applicant be required to have a wider entrance, there are opportunities to apply for a secondary entrance on Hart Road at that time. Therefore, the proposed frontage is not expected to negatively impact the functionality of the lot for agricultural purposes.

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

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

Planning staff comment:

As previously indicated, consent application PLB-2024-084 was approved by the Committee of Adjustment on June 11, 2024 to create the surplus farm dwelling lot. The Committee supported the application as it was deemed consistent with applicable surplus farm dwelling policies and desirable for the appropriate development of the subject lands, subject to the condition of the minor variance to address the lot frontage deficiency. Accordingly, for the reasons listed above, it is Planning staff’s opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

The subject application seeks relief from the applicable minimum lot frontage provisions to allow for access and continuous frontage on Robinson Road to continue agricultural operations on the retained lands and to allow farm equipment to access those lands. Given that the retained lands maintain frontage along Hart Road, this variance would represent a minor deviation from the Zoning By-law provisions and are not expected to have any negative impacts on the viability of the retained agricultural lands. For the reasons listed above, it is Planning staff's opinion that the subject 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 March 18, 2025.

A copy of the staff report has been provided to the applicant.

Attachments:

1. Location Map
2. Owner's Sketch

Location Map FILE #PLA-2024-166 APPLICANT: Rose

PLA-2024-166, Attachment 1

Location:

**ROBINSON ROAD
GEOGRAPHIC TOWNSHIP OF CANBOROUGH
WARD 6**

Legal Description:

CAN CON 2 PT LOT 6 & 7 RP 18R6111 PART 1

Property Assessment Number:

2810 022 003 03800 0000

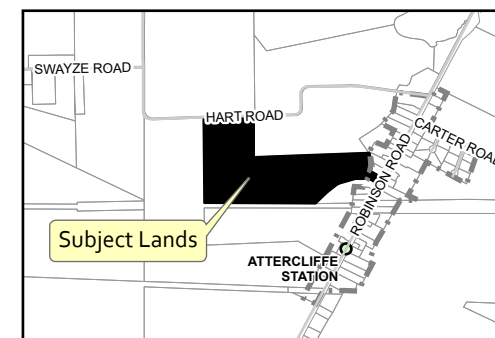
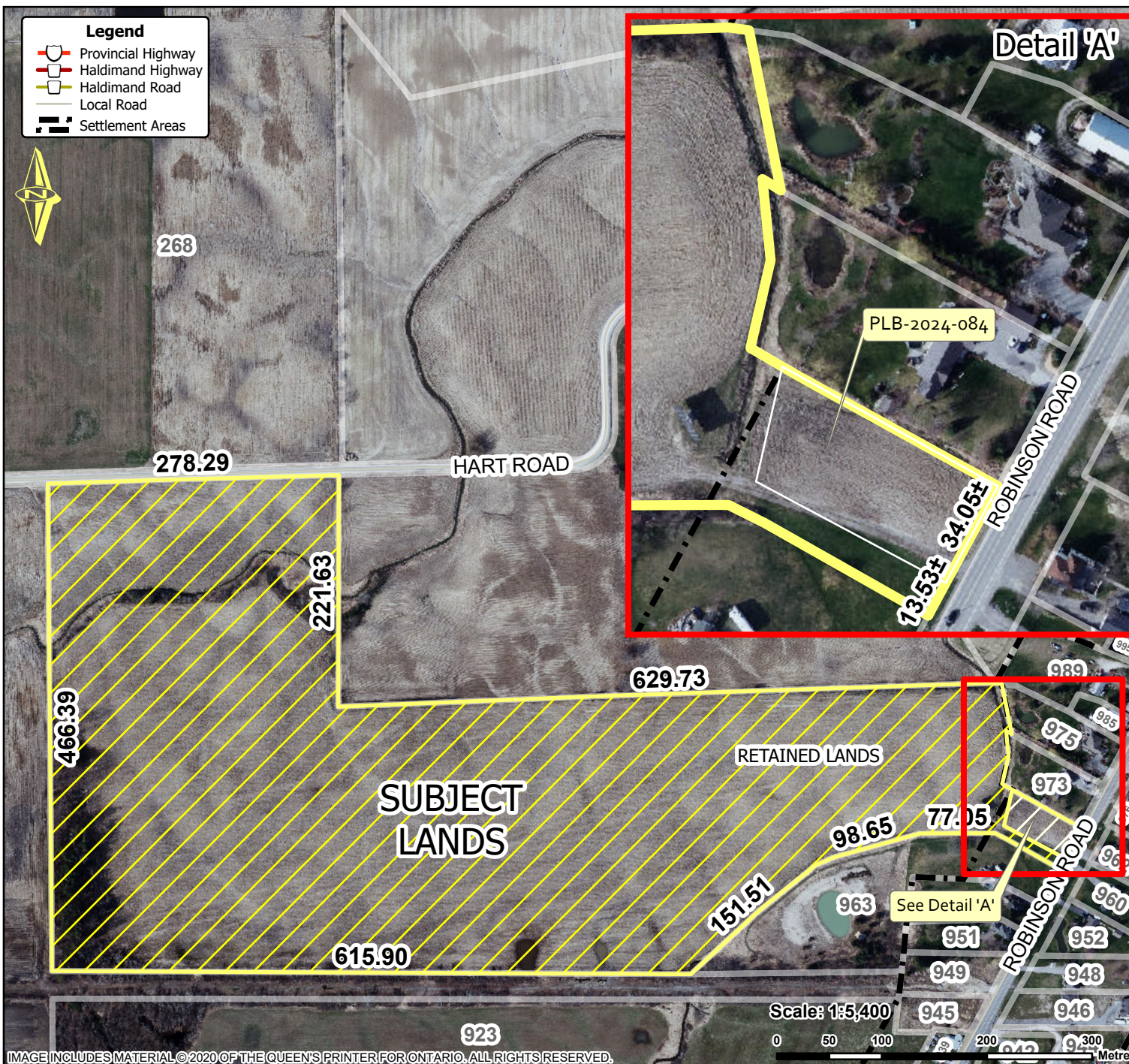
Size:

27.30 Hectares (67.46 Acres)

Zoning:

**A (Agriculture), RH (Hamlet Residential),
NPCA Regulated Lands, HCOP Riverine
Hazard Lands**

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.



Owner's Sketch FILE #PLA-2024-166 APPLICANT: Rose

PLA-2024-166, Attachment 2

