



Haldimand County Committee of Adjustment Consent

Meeting Date: July 16, 2024
File Number: PLB-2024-097
Property Roll Number: 2810-332-002-02260-0000
Applicant: Uwe Elisabeth & Felix Sandner
Agent: David Roe, Civic Planning Solutions Inc.
Property Location: WALPOLE CON 1 PT LOT 13 RP 18R6842 PARTS 1 AND 2, 488 South Coast Drive

Recommendation

That application PLB-2024-097 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: A consent to sever application to boundary adjust a portion of land having a frontage of 23.46 m (80 feet) and an area of 0.30 hectares (0.75 acres) from 488 South Coast Drive to 492 South Coast Drive and to retain 492 South Coast Drive with a frontage of 57.31 m (188 feet) and an area of 0.76 hectares (1.85 acres). The purpose of the application is to bring the solar panel onto the same lot as the single detached dwelling, as it is used by the single detached dwelling.

Site Features and Land Use: The subject lands are located in the Township of Walpole and front onto the south side of South Coast Drive. The lands being severed currently contain only a solar panel and the benefiting lands contain a single detached dwelling and accessory structures. The surrounding land uses are generally lakeshore residential and agriculture in nature. Lake Erie is located south of the subject lands.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments received.

Haldimand County Planning & Development – Development Technologist: No comments received.

Haldimand County Emergency Services: No comments received.

Long Point Region Conservation Authority: Staff advised that the proposed application is consistent with section 3.1 of the Provincial Policy Statement, 2020.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

While the subject lands are located within a historic ribbon of existing lakeshore residential development along Lake Erie, the subject lands are designated “Agricultural” in the Haldimand County Official Plan.

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons, which is defined as severances for purposes such as minor boundary adjustments and easements, which do not result in the creation of a new lot.

The subject application satisfies this definition and criteria, as it will bring the solar panel (infrastructure) onto the same lot as the single family dwelling, without compromising the required frontage and size of the retained lands. Further, the severed and retained lands together are 1.07 hectares (2.64 acres) in size; they are too small to farm and are not activity farmed. Therefore, it is Planning staff’s opinion that the proposal is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow echoes the PPS, but is broader in nature. It speaks to protecting prime agricultural lands and focusing development within settlement areas at a high level. It does not contain policies that directly speak to boundary adjustments that would affect this application. Therefore, it is Planning staff's opinion that the subject application conforms to a Place to Grow.

Haldimand County Official Plan (OP)

The OP echoes and builds upon the policies of the PPS. The subject lands are designated "Agricultural" in the Official Plan. The OP states that lot creation in the "Agriculture" designation is generally discouraged and may only be permitted in limited circumstances including severances for legal or technical reasons, including minor boundary adjustments that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm. The boundary adjustment will bring the solar panel onto the same lot as the single family dwelling, which is desirable. Since both the severed and retained lands are too small to farm and are not actively farmed, there is no impact on the functionality and viability of farmland. The impact of the proposal is therefore considered to be minor. It is Planning staff's opinion that the proposal conforms with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agriculture (A)" zone in the Haldimand County Zoning By-law HC 1-2020. The existing residential uses are permitted in the zone.

Both the severed lot and benefitting lot resulting from this proposal conform with all standards set out for "Agriculture (A)" zone in the Zoning By-law. Staff are satisfied that the proposal conforms with the Haldimand County Zoning By-law.

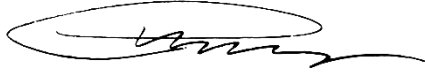
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 2nd, 2024.

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

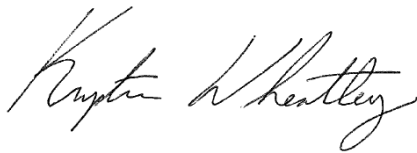
A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

Reviewed by:



Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee 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 copy of the registered reference plan of the severed parcel, with a frontage of 23.46 metres (76.97 feet), and an area of 0.30 hectare (0.75 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.**

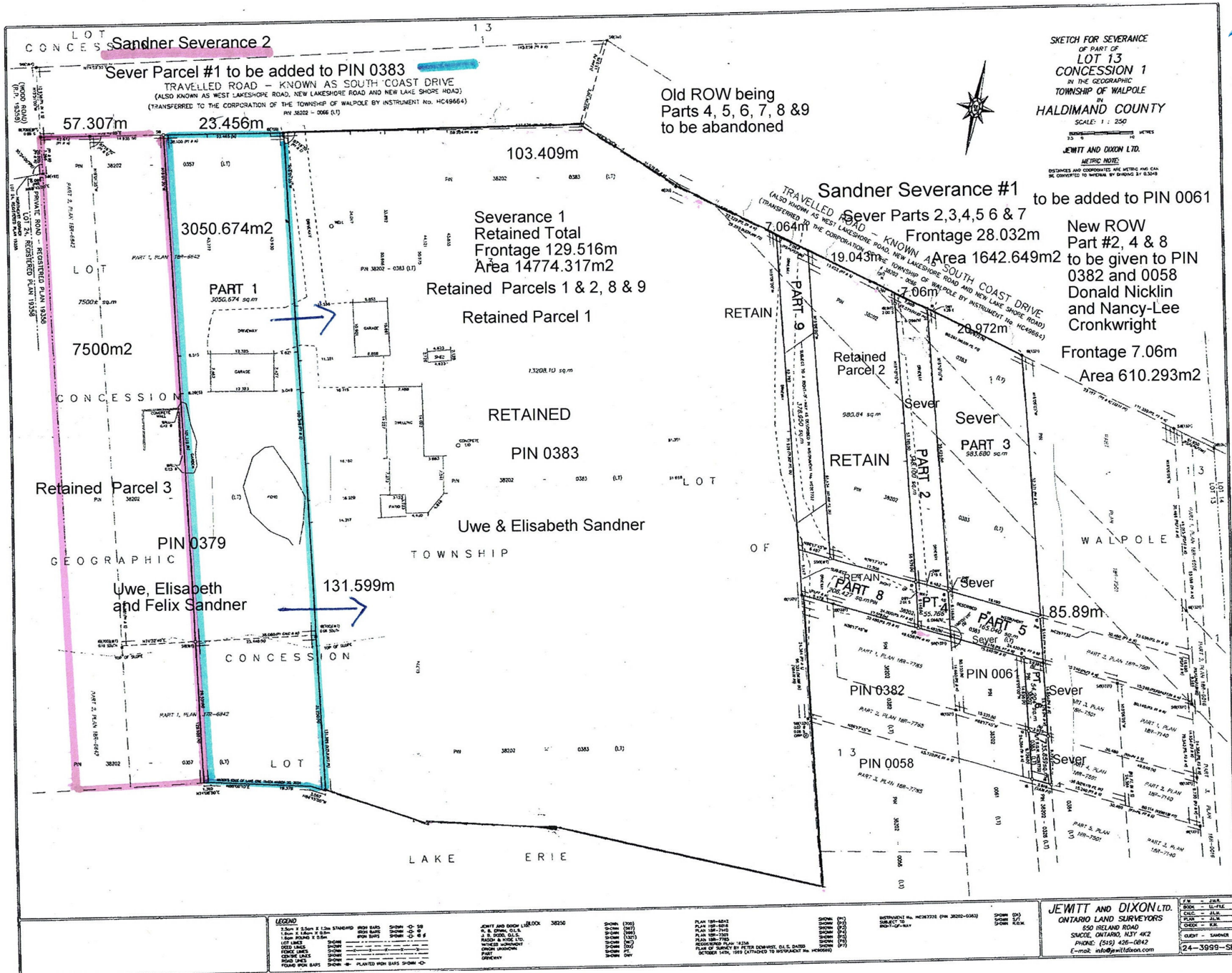
The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

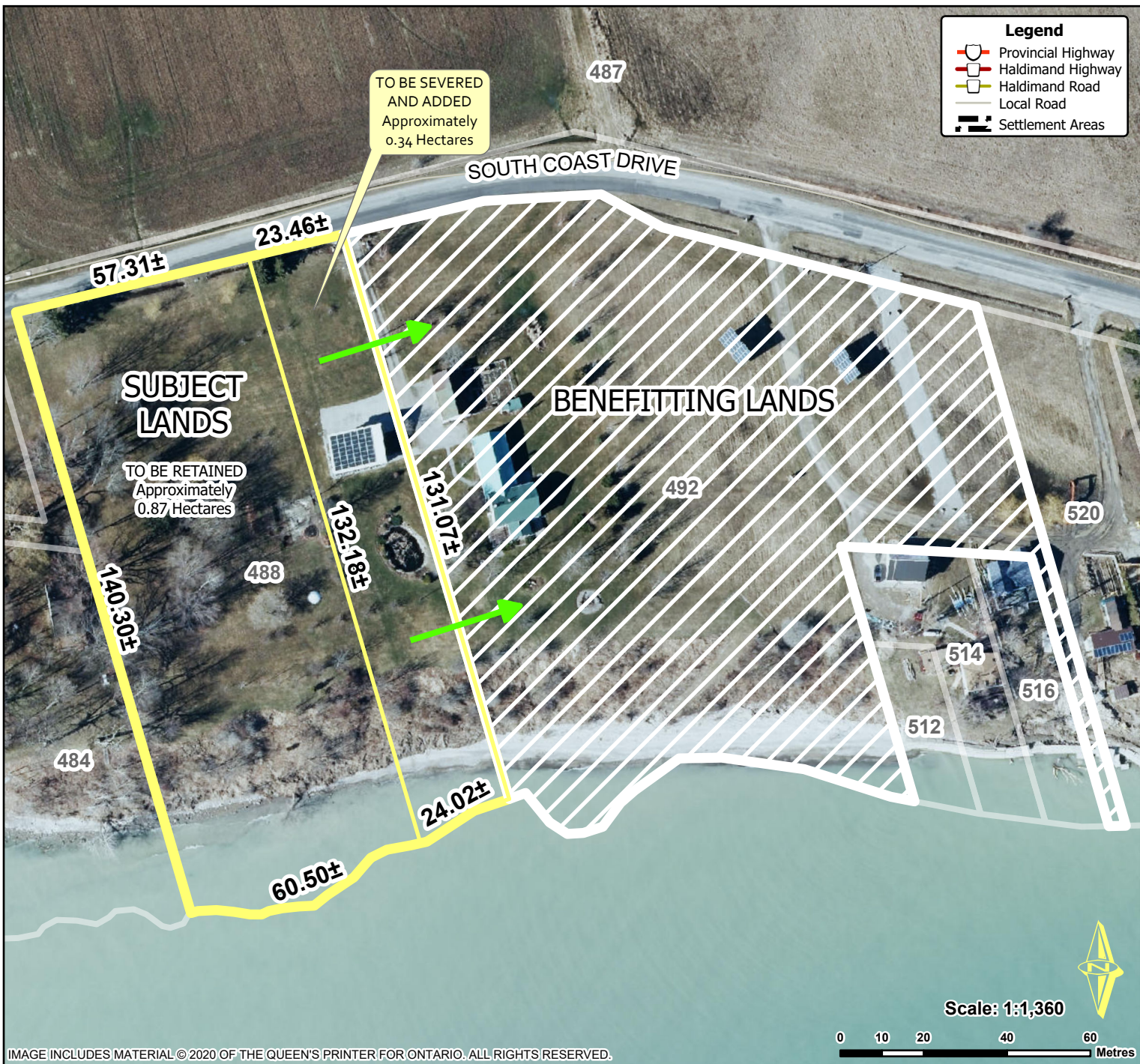
4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the retained lands. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits required for retained parcel. Permits may be obtained from the County’s Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before 07 16, 2026, after which time this consent will lapse.

Assessment Roll No. 2810.332.002.0226.00000

Owner's Sketch FILE #PLB-2024-097 APPLICANT: Sandner



Location Map FILE #PLB-2024-097 APPLICANT: Sandner



Location:
488 SOUTH COAST DRIVE
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1

Legal Description:
WALPOLE CON 1 PT LOT 13 RP 18R6842
PARTS 1 AND 2

Property Assessment Number:
2810 332 002 02260 0000

Size:
1.07 Hectares

Zoning:
A (Agriculture), HCOP Lakeshore Hazard
Lands, LPRCA Regulated Lands

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