
Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-170

Property Roll Number: 2180-025-002-00520-0000

Applicant: 859656 Ontario Ltd. c/o Warren & Marnie Sheridan

Agent: Arcadis Professional Services c/o Carmela Agro

Property Location: 1942 North Shore Drive, Lowbanks. Legally described as Township of Sherbrook, Concession 1 Part Lot 10 Registered Plan, 18R2861 Part 3.

For consideration on: October 15, 2024

Summary

The applicant requests relief from the maximum number of permitted campsites on the Subject Lands within the “Open Space (OS)” Zone of the Haldimand County Zoning By-Law HC 1-2020 to allow 56 campsites whereas 53 are permitted. Planning staff recommends approval of this application as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-170 be approved. The application meets the four tests of a minor variance.

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

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

Details of the Submission:

Proposal: Relief is requested from the maximum number of permitted campsites of the “Open Space (OS)” Zone of the Zoning By-Law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
New Site Numbers	53	56	3

The applicants are proposing to expand the existing trailer park located at 1958 North Shore Drive onto the subject lands. The applicants concurrently submitted site plan application PLSP-HA-2023-181 for the expansion, which has yet to be deemed complete.

The relief is requested to permit 56 campsites whereas 53 are permitted. Site specific Zoning By-law 22-DU-93 limited the number of campsites to 26. Minor variance application PLA-2021-130 (approved by the Committee of Adjustment on August 17, 2021) increased the number of campsites to 53.

Site Features and Land Use:

The subject lands are located within the geographic township of Sherbrook. The subject lands have 48.97 metres (160 feet) of frontage on the south side of North Shore Drive and are 2.03 hectares (5.01) acres in size. However, the applicants intend to merge the subject lands with the lands to the east (1958 North Shore Drive), which currently contains a trailer park, and expand the trailer park onto the subject lands. The subject lands are currently vacant. To the south is Lake Erie, to the west is vacant land, to the north is agricultural land.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Septic details are to be provided and reviewed through the site plan application. Ministry of Environment, Conservation and Parks (MECP) permits may be required for the septic system.

Haldimand County Planning & Development Services – Development Technologist:

Development comments to be addressed through the site plan application.

Haldimand County Emergency Services:

No comments received.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments received.

Grand River Conservation Authority:

The Grand River Conservation Authority (GRCA) approved Permit application 528/24 on September 4th, 2024 for 56 campsites. Permission is based on existing information, policies and practices, and does not bind nor imply any other permissions will be forthcoming. If any changes are made to the plans, they must be reviewed and approved by GRCA staff.

Hydro One:

No comments or concerns with application.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

Mississaugas of the Credit First Nation (MCFN) comment that the project is located between the Lakes Treaty No. 3, of 1792 and therefore the MCFN Department of Consultation and Accommodations will be required to be in receipt of all Environmental Study Reports. MCFN requires that a Stage 1 Archaeological Study be conducted on the site and that the Stage 1 Report be submitted to MCFN DOCA for review. If Stage 2 is required, MCFN DOCA is to be involved in the field study with MCFN Field Liaison Representation on-site participation.

Planning staff comment: All site plan application materials will be circulated to the MCFN. An archaeological assessment will be required through the concurrent site plan application.

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 “Major Open Space” in the Haldimand County Official Plan. The “Major Open Space” designation permits seasonal recreation and tourism uses as well as public and private campgrounds. The expansion of the trailer park onto the subject lands is permitted.

The Official Plan provides criteria for developments within the “Major Open Space” Designation, which include:

- a) Have good transportation access preferably from an arterial or collector road;
- b) Have adequate parking facilities to accommodate anticipated demand;
- c) Have linkages to natural environmental areas and hazard land areas but no buildings, structures or playing fields shall interfere with the attributes of the hazard area or natural environmental area;
- d) Where feasible, have pedestrian and cycling access and linkages to the trail system;
- e) That adequate services can be provided in conformity with the policies of this Plan
- f) The location and development of buildings and major structures and parking areas may be subject to site plan control policies of this Plan; and
- g) The range of uses permitted shall be implemented through the County’s Zoning Bylaw

This criteria will be reviewed through the concurrent site plan application. With respect to criterion c), a portion of the subject lands has been identified as hazard lands and is regulated by the GRCA. The applicants have worked with the GRCA to demonstrate that 56 campsites can

fit on the subject lands, outside of the lakeshore hazards. It is Planning staff's opinion that the subject application generally conforms to 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 "Open Space (OS)" Zone and are subject to special provision DUN 37.59 in the Haldimand County Zoning By-law HC 1-2020. The "OS" Zone permits a campground and tent and trailer park. Special provision DUN 37.59 limited the number of campsites to 26; The intent of this limitation is unknown. Minor variance application PLA-2021-130 was approved by the Committee of Adjustment on August 21, 2021 to increase the number of campsites to 53 from the limit of 26 as set out in special provision DUN 37.59. The applicants desire to add 3 additional campsites to the subject lands, increasing the total number of campsites to 56. The applicants have worked with the Grand River Conservation Authority (GRCA) to fit 3 additional campsites to increase the total number of lots to 56 outside of the lakeshore hazards associated with Lake Erie.

Planning staff note that while 56 campsites may fit on the subject lands outside of the lakeshore hazards according to the Zoning By-law regulations for minimum campsite width and size, through the concurrent site plan application, the applicants will be required to demonstrate that the trailer park can support all 56 campsites with the required private water, sanitary, stormwater, and fire protection infrastructure (including firefighting water supply and a fire route with adequate space for firetruck movements at the internal intersections). Should the applicants fail to make this demonstration, the number of campsites will need to be reduced in the site plan application.

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

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

Planning staff comment:

The applicants are seeking to expand the trailer park from the abutting property (1958 North Shore Drive) onto the subject lands. Through this minor variance application, the applicants are requesting to further increase the number of campsites (56) from the previously approved minor variance application (53). The GRCA has issued a permit for the development of 56 campsites on the subject lands. The relief will allow more campsites on the subjects lands provided that development can accommodate the required infrastructure, including a suitable fire route at the internal intersections. It is the opinion of the Planning staff that the subject application is appropriate and desirable. All development matters will be dealt with through the concurrent site plan application.

4. Is the application minor?

Planning staff comment:

For the reasons listed above, it is opinion of the Planning staff that the application is minor.

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

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 10/1/2024

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

Attachments:

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