
Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-188

Property Roll Number: 2180-023-001-18200-0000

Applicant: Rosa Flora / Bulk Growers Holdings Limited

Agent: LandPro Planning Solutions Inc., Mitchell Baker

Property Location: 328 Comfort Road, Dunnville. Legally Described as Moulton Concession 2 From Canborough, Part Lots 12 and 13, Registered Plan 18R4688 Parts 1 and 2.

For consideration on: October 15, 2024

Summary

The applicant is seeking relief from the Commercial Greenhouse provisions of the Haldimand County Zoning By-law HC 1-2020 as a condition of consent application PLB-2024-035 for both the severed and retained lands. Planning staff recommends approval of this application as it meets the four tests of a minor variance.

Recommendation

THAT application PLA-2024-188 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 Section 4.12 Commercial Greenhouse of Zoning By-law HC 1-2020 as follows:

Development Standard(s) (Severed Lands)	Required	Proposed	Deficiency
Lot Frontage	120m	118.94m	1.06m
Interior Side Yard (Rt)	15m	14.58m	0.42m

Development Standard(s) (Retained Lands)	Required	Proposed	Deficiency
Interior Side Yard (Lt)	15m (s.4.12)	9.85m	5.15m

The Committee of Adjustment approved consent application PLB-2024-035 on August 20, 2024 subject to a number of conditions including the approval of a minor variance application. The purpose of the consent application was to create a new farm lot for a commercial greenhouse.

Through this minor variance application, relief is requested for lot frontage and interior side yard (right) for the severed lands and interior side yard (left) for the retained lands. The variances are a result of the consent application and the nature of the land use (i.e. commercial greenhouse).

Site Features and Land Use:

The subject lands are located in the prime agricultural area of the County, within the Geographic Township of Moulton. The subject lands front onto the east side of Diltz Road and flank Comfort Road to the south. The subject lands are municipally known 328 Comfort Road.

The subject lands consist of the severed and retained lands. The severed lands have 118.96 metres (390.23 feet) of frontage on Diltz Road and are approximately 15.1 hectares (37.31 acres) in size. The retained lands have 280.52 metres (920.34 feet) of frontage on Diltz Road and are approximately 25.05 hectares (61.90 acres) in size.

The severed lands contain a greenhouse which is proposed to expand in the future into a commercial greenhouse facility. The retained lands contain a commercial greenhouse facility. The surrounding land uses are generally agriculture and rural residential in nature.

Existing Intensive Livestock Facilities:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments or concerns.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns at this time. Additional comments will be provided at the time of Site Plan Approval.

Haldimand County Emergency Services:

No comments received.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments received.

Niagara Peninsula Conservation Authority:

The subject lands contain regulated watercourse and unmapped floodplain. As per the comments with previous application PLB-2024-035, NPCA comments remain consistent as there are no flooding concerns.

Hydro One:

No comments or concerns with application.

Municipal Property Assessment Corporation:

No comments received.

Mississaugas of the Credit:

MCFN Department of Consultation and Accommodation has no comments or concerns at this time.

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 “Agriculture” in the Haldimand County Official Plan (OP). The OP aims to protect prime agricultural areas for long-term use for agriculture. Planning staff supported the previous consent application to create a new farm lot as it generally conformed to the Consents in the Agricultural Designation and Lot Creation policies of the OP.

Further, the OP permits commercial greenhouses in the “Agriculture” designation subject to meeting the regulations of the Zoning By-law and Site Plan Control policies of the OP.

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 “Agriculture (A)” in the Haldimand County Zoning By-law HC 1-2020. The “A” Zone permits “agriculture use” and “commercial greenhouse”.

“Agriculture use” is defined as the use of land, building or structure for:

- a) growing of crops, produce, fruit, horticultural plants, trees, pasture and / or sod;
- b) hatching, raising, breeding, boarding, training and / or sale of livestock, fur bearing animals, game, birds and / or insects;
- c) raising cattle and / or goats for milk;
- d) fish farming and / or aquaculture;
- e) **greenhouse and / or hydroponics farming, but not including a commercial greenhouse**;
- f) egg production; and / or;
- g) apiary or bee keeping.

“Commercial Greenhouse” is defined as a greenhouse structure used for the growing of plants, flowers, shrubs, trees and produce to be sold wholesale. Section 4.12 Commercial Greenhouse of the Zoning By-law identifies that a commercial greenhouse is a facility that measures 23,226 square metres (250,000 square feet).

The severed lands contain a greenhouse which is proposed to expand in the future into a commercial greenhouse facility. The retained lands contain a commercial greenhouse facility.

Recognizing that commercial greenhouses are large facilities that have greater impacts (lot coverage, servicing, employment, traffic, parking, shipping and receiving, lighting, etc.) than typical agriculture uses, the Zoning By-law sets out specific regulations for commercial greenhouses. The following provisions apply to a commercial greenhouses:

- a) a commercial greenhouse is a facility that measures 23,226 square metres or greater in size;

Planning Staff Comments: The existing greenhouse facility on the retained lands is greater than 23,226 square metres (250,000 square feet) in size; The greenhouse facility is a commercial greenhouse. Recognizing that the commercial greenhouse existed before passage of the Haldimand County Zoning By-law HC 1-2020, the commercial greenhouse facility is only required to meet the lot frontage and side yard setback provisions resulting from the consent application.

The current greenhouse facility on the severed lands is less than 23,226 square metres (250,000 square feet) in size; The currently greenhouse facility was recently constructed and is 22,900 square metres (246,494 square feet) in size. However, the applicant is proposing to construct an additional greenhouse of similar in size on the severed lands in the near future. When the new greenhouse is constructed, the overall greenhouse facility will exceed 23,226 square metres (250,000 square feet) in size, thereby making the facility a commercial greenhouse. The overall commercial greenhouse facility will be required to meet all of the commercial greenhouse facility provisions or an additional minor variance application will be required.

- b) the following regulations shall apply to all buildings and structures associated with a commercial greenhouse:

- i) the minimum lot frontage shall be 120 m;

Planning Staff Comments: The retained lands have a frontage of 280.52 metres (920.37 feet) on Diltz Road, thereby meeting this provision.

The severed lands have a frontage of 118.98 metres (390.35 feet) on Diltz Road. The intent of the minimum lot frontage provision is to ensure that the lot is wide enough to accommodate a commercial greenhouse facility with all required features and setbacks (buffers). The proposed frontage is deficient by 1.06 metres (3.48 feet) and very closely approximates the required frontage. The deficient frontage will not be noticeable from the road or adjacent lots and it will not create any functional concerns.

It is the opinion of Planning staff that the retained and severed lands meet the general intent of this provision.

- ii) the minimum front yard setback shall be 30 m;

Planning Staff Comments: The front yard set back of both retained and severed lands exceeds 30 metres (98.43 feet).

- iii) the minimum side yard setback shall be 15 m or 30 m from the nearest dwelling on a separate lot, whichever is greater;

Planning Staff Comments: The retained lands have a side yard setback (left) of 9.85 metres (32.32 feet) and the severed lands have a side yard setback (right) of 14.58 metres (47.83 feet). The side yard setback deficiencies are the result of the interior lot line, shared between the severed and retained lands, created through the consent application.

The intent of the side yard setback is to ensure that commercial greenhouse facilities are well setback and buffered from adjacent lots due to their size and scale and to provide space for access, grading, lighting, etc. Both the severed and retained lands will contain commercial greenhouse operations and share the interior lot line. Therefore, the side yard setbacks are not expected to have a negative impact on the lands.

It is the opinion of the Planning Staff that the retained and severed lands meet the general intent of this provision.

- iv) the minimum rear yard setback shall be 15 m or 30 m from the nearest dwelling on a separate lot, whichever is greater; and

Planning Staff Comments: The rear yard setback of both the retained and severed lands exceed 15metres (49.21 feet) or 30 metres (98.43 feet) from the nearest dwelling on a separate lot.

- v) the maximum lot coverage shall be 80%.

Planning Staff Comments: Both the retained and severed lands will have lot coverage of less than 80%.

Additionally, the retained lands are under site plan control because they contain a commercial greenhouse facility. Any additional construction or site alteration will be subject to the rest of the commercial greenhouse provisions (including the location of packing, shipping and loading facilities; driveways and parking areas; and waste management facilities). Once the second greenhouse is proposed on the severed lands, the severed lands will be under site plan control as they will contain a greenhouse facility. Approval of a site plan application will be required prior to obtaining building permits. The proposed construction and site alteration on the severed lands will be subject to the rest of the commercial greenhouse provisions.

Overall, 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:

No negative impacts are expected as a result of the previous consent application and this minor variance application. It is the opinion of the Planning Staff that the proposed development is desirable for the lands.

4. Is the application minor?

Planning staff comment:

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 10/1/2024

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

Attachments:

1. Location Map
2. Owner's Sketch