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# Haldimand County Committee of Adjustment



## Consent

**File Number:** PLB-2024-182, PLB-2024-183, PLB-2024-184, PLB-2024-185

**Property Roll Number:** 2810-332-001-40000-0000

**Applicant:** Candace J. & Kyle S. Monahan

**Agent:** Liam Doherty, RPP, A. J. Clark & Associates Ltd.

**Property Location:** 146 Erie Street, Nanticoke. Legally Described as Walpole Plan 2460 Part Block D, Block E

**For consideration on: October 15, 2024**

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## Summary

The applicants propose to create four (4) new hamlet residential lots and one (1) retained hamlet residential lot via four (4) consent applications. Planning staff recommends deferral of the applications to provide the applicants time to reduce the overall proposal by one (1) application and to reconfigure the remaining lots into a supportable lotting configuration.

## Recommendation

THAT applications PLB-2024-182, PLB-2024-183, PLB-2024-184 and PLB-2024-185 be deferred to allow the applicants time to reduce the overall proposal by one (1) application and to reconfigure the lots into a supportable lotting configuration.

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

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

## Details of the Submission:

### Proposal:

To sever four (4) new hamlet residential lots and retain one (1) hamlet residential lot through four (4) consent applications. The consent applications propose:

- PLB-2024-182: Lot frontage of 57.53 metres (188.75 feet) and area of 0.64 hectares (1.59 acres);
- PLB-2024-183: Lot frontage of 9.97 metres (32.71 feet) and area of 0.64 hectares (1.57 acres);
- PLB-2024-184: Lot frontage of 45.67 metres (149.84 feet) and area of 0.70 hectares (1.73 acres);
- PLB-2024-185: Lot frontage of 15 metres (49.21 feet) and area of 0.62 hectares (1.53 acres); and

- Retained Lands: Lot frontage of 84.13 metres (276.02 feet) and area of 1.46 hectares (3.63 acres).

### **Site Features and Land Use:**

The subject lands consist of the severed lands and retained lands. The subject lands are located in the Hamlet of Nanticoke and front onto the south side of Church Street and flank Erie Street to the west. The subject lands are 4.80 hectares (11.86 acres) in size. The subject lands are predominately vegetated and farmed; The subject lands contain a single detached dwelling, accessory structures, and cargo containers fronting onto Erie Street. The severed lands are vacant and the retained lands contain this existing development. The surrounding land uses are residential, institutional, and agricultural in nature.

### **Existing Intensive Livestock Operations:**

Not applicable.

## **Agency & Public Comments**

### **Haldimand County Building & Municipal Enforcement Services:**

There are multiples zones applying to the subject lands that will need to be amended. The frontage of the severed lands in applications PLB-2024-183 and PLB-2024-185 do not conform the zone provisions of the Haldimand County Zoning By-law HC 1-2020 and are deficient.

**Planning staff comment:** The applicants have submitted concurrent Zoning By-law Amendment application PLZ-HA-2024-186 to address the zoning of the subject lands, including the requested reduced lot frontages. Planning staff recommends deferral of the applications to remove PLB-2024-183 from the overall proposal and to reconfigure the remaining lots into a supportable lotting configuration.

### **Haldimand County Planning & Development Services – Development Technologist:**

- Full grading plans will be required for all of the severed lots;
- Entrance permits will be required for all of the severed lots; and
- Road Operations review of the frontages and entrances is required prior to approval.

### **Haldimand County Emergency Services:**

No comments received.

### **Haldimand County Water and Wastewater Engineering & Compliance:**

No comments received.

### **Haldimand County Roads Operations:**

Roads Operations does not support consent application PLB-2024-183. Entrance permits are not issued for proposed entrances that connect to curved roads at an angle.

**Planning staff comment:** Planning staff recommends deferral of the overall proposal to remove consent application PLB-2024-183 from the overall proposal and to reconfigure the rest of the lots into a supportable lotting configuration.

**Haldimand County Facilities, Parks, Cemeteries & Forestry Operation:**

There are no concerns with the proposed severances. It appears that the treed area that extends across several of the proposed lots is a Woodland regulated under the County's Forest Conservation By-law. When it comes time to develop each lot, the lot owner will have to apply for a Minor Exception Permit or have an approved building permit if the lot owner wishes to clear-cut part of the Woodlands for development.

**Long Point Region Conservation Authority (LPRCA):**

The subject lands are not regulated by the LPRCA but they do regulate lands within proximity to the subject lands. Therefore, Planning staff circulated the LPRCA. No comments were received.

**Hydro One:**

No comments or 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**

**Provincial Policy Statement, 2020 (PPS)**

The subject lands are located in the Hamlet of Nanticoke, which is a rural settlement area. The PPS states that in rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. When directing development in rural settlement areas, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development, and the provision of appropriate service levels.

Roads Operations has reviewed the overall proposal and does not support application PLB-2024-183. Church Street curves in front of the severed lands in applications PLB-2024-182 and PLB-2024-183.

Roads Operations does not issue permits for proposed entrances that connect to curved roads at an angle. As such, the overall proposal is not appropriate for the rural characteristics of the area and service levels (i.e. Church Street) and the scale of development is too great (i.e. application PLB-2024-183 cannot be supported). The applications, as submitted, are inconsistent with the PPS. However, through removal of application PLB-2024-183 and reconfiguration of the remaining applications, the overall proposal has the potential to be consistent with the PPS.

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

A Place to Grow does not provide criteria on lot creation within rural settlement areas.

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

The subject lands are located within the Hamlet of Nanticoke and are designated “Hamlet” in the Haldimand County Official Plan. The Hamlet of Nanticoke is one (1) of twenty six (26) hamlets within the County. Traditionally, the hamlets developed as residential, social, and commercial centres servicing the surrounding agricultural community. More recently, the hamlets have an increased role as residential settlements. The “Hamlet” designation permits low density residential housing, including single detached dwellings subject to criteria relating to private servicing, stormwater management, and development configuration. The special hamlet policies recognize the Hamlet of Nanticoke as a residential hamlet within the Industrial Influence Area; The policies permit minor residential infilling within the Hamlet.

The applicants are seeking to create four (4) hamlet residential lots and to retain one (1) hamlet residential lot. The OP states that the division of land is encouraged to proceed by plan of subdivision; However, where the Committee of Adjustment deems that the subdivision process is unnecessary for the proper and orderly development of the community, the creation of new lots may proceed by consent in accordance with the relevant policies of the OP. Generally, new lot creation by consent shall be guided by the following:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

**Planning staff comment:** The size of the lots are appropriate for the use proposed. The overall proposal does not meet the purpose of the Official Plan and Zoning By-law, which is discussed further under criterion c). However, through removal of application PLB-2024-183 and reconfiguration of the remaining consent applications, the overall proposal has the potential to conform to the intent and purpose of the Official Plan and Zoning By-law.

- b) The creation of new lots for development shall only be granted in accordance with relevant servicing policies contained in this Plan;

**Planning staff comment:** The lots will be privately serviced by a well or cistern and septic system. A septic evaluation, lot grading plan, and lot grading agreement will be required as a condition of consent.

- c) The proposed severed and retained lands front on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

**Planning staff comment:** As discussed above, Roads Operations will not issue a road entrance permit for the severed lands in application PLB-2024-183 as a result of the road curve, reduced lot frontage (9.97 metres), and angled driveway connection. Therefore, Planning staff are not supportive of consent application PLB-2024-183 because it creates an undevelopable lot as the lot owner would not be able to obtain a road entrance permit.

As such, planning staff recommends deferral of these applications to permit the applicants time to withdraw application PLB-2024-183 and to reconfigure the remaining lots into a supportable lotting configuration. This would include amalgamating the lands from application PLB-2024-183 into application PLB-2024-182 and, ideally, reconfiguring the lots by increasing the frontage of PLB-2024-185.

- d) Not more than five lots are being created.

**Planning staff comments:** Four (4) new lot are proposed. However, Planning staff are only supportive of three (3) lots being created through reconfiguration.

The consent applications, as submitted, do not conform to the Official Plan. However, through removal of application PLB-2024-183 and reconfiguration of the remaining applications, the overall proposal has the potential to conform to the Official Plan.

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

The subject lands are zoned “Rural Institutional (RI)” Zone, “Hamlet Residential (RH)” Zone, and “Agricultural (A)” Zone in the Haldimand County Zoning By-Law HC 1-2020. The applicants have submitted concurrent Zoning By-law Amendment application PLZ-HA-2024-186 to rezone the subject lands to the “Hamlet Residential (RH)” Zone and to request reduced lot frontage for the severed lands in applications PLB-2024-183 and PLB-2024-185. Rezoning the subject lands to “Hamlet Residential (RH)” Zone will align the zoning of the subject lands with the “Hamlet” designation of the Official Plan, and will reflect the intended hamlet residential use of the subject lands. It will also provide zoning permissions and provisions consistent with the surrounding lots. If the Committee defers these applications and the overall proposal is amended (including the lot frontages), the Zoning By-law Amendment application will need to be amended prior to proceeding to Council for consideration.

Further, the “RH” Zone requires a minimum lot area of 1,855 square metres (19,967 square feet) and a minimum lot frontage of 30 metres (98.43 feet). The intent of the minimum lot area provision is to ensure consistent lots sizes within the Hamlet and to provide sufficiently sized lots for the installation of private services such as a well or cistern and a septic system. The proposed lots will be significantly larger than the minimum lot area provision.

The intent of the minimum lot frontage provision is to ensure consistent lot frontages within the Hamlet and to provide sufficient lot width for private servicing and adequate access onto public roads. The severed lands in applications PLB-2024-182 and PLB-2024-184 and the retained lands will meet the minimum lot frontage of 30 metres. However, the applicants are requesting that the severed lands in application PLB-2024-183 be permitted to have a reduced lot frontage of 9.97 metres (32.71 feet) and the severed lands in application PLB-2024-185 have a reduced lot frontage of 15 metres (49.21 feet). For the reasons discussed above, Planning staff are not supportive of the proposed lot frontage for the severed lands in application PLB-2024-183. The lots could also be reconfigured to increase the lot frontage of PLB-2024-185 to meet the intent of the lot frontage provision.

Further, the retained lands contain a number of cargo containers. The retained lands are currently zoned "Agriculture (A)" Zone. The "A" Zone permits cargo containers provided they are located in the rear yard (the yard between the rear lot line and the nearest part of the main building on the lot). By rezoning the subject lands (including the retained lands) to the "Hamlet Residential (RH)" Zone, the cargo containers will no longer be permitted as cargo containers are prohibited on the residentially zoned lots (including the "RH" Zone). Therefore, the cargo containers need to be removed or included as a request within the Zoning By-law Amendment application.

The consent applications, as submitted, do not conform to the Zoning By-law. They also do not conform to the general intent of the Zoning By-law. However, through removal of application PLB-2024-183 and reconfiguration of the remaining applications, the overall proposal has the potential to conform to the intent of the Zoning By-law.

## **Other**

Planning staff recommends deferral of the applications to permit the applicants time to work with Planning staff to reconfigure the lots into a supportable lotting configuration. More specifically, Planning staff recommends deferral of the applications to provide the applicants time to:

- Withdraw application PLB-2024-183;
- Add lands from application PLB-2024-183 into PLB-2024-182; and
- Reduce the overall length of consent application PLB-2024-182 and potentially shift PLB-2024-184 to provide additional frontage to PLB-2024-185.

Planning staff highlight that Roads Operations will not issue an entrance permit for the severed lands in application PLB-2024-183. Therefore, this is not a developable lot and must be amalgamated with the severed lands in application PLB-2024-182. If the severed lands in application PLB-2024-183 are not amalgamated with the severed lands in application PLB-2024-182, and the remaining consent applications (PLB-2024-182, PLB-2024-184, and PLB-2024-185) are approved, the applicants will end up with two retained parcels, which is not supportable or permitted (i.e. the retained lands and the severed lands in consent application PLB-2024-183). For this reason, Planning staff recommends deferral of the overall proposal. Planning staff also recommends deferral to allow reconfiguration of the rest of the lots such that all lots meet the required lot frontage provision.

However, should Committee desire to approve these consent applications, the condition sheets are attached to this report.

## **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

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 PLB-2024-182
2. Condition Sheet PLB-2024-183
3. Condition Sheet PLB-2024-184
4. Condition Sheet PLB-2024-185
5. PLB-2024-182, 183, 184, 185 Location Map
6. PLB-2024-182,183,184,185 Owner Sketch 1
7. PLB-2024-182, 18, 184, 185 Owner Sketch 2
8. PLB-2024-182 Owner Sketch
9. PLB-2024-183 Owner Sketch
10. PLB-2024-184 Owner Sketch
11. PLB-2024-185 Owner Sketch