

Haldimand County Committee of Adjustment Consent

Meeting Date: July 16, 2024

File Number: PLB-2024-096

Property Roll Number: 2810-332-002-02300-0000

Applicant: Uwe and Elizabeth Sandner

Agent: David Roe, Civic Planning Solutions Inc.

Property Location: WALPOLE CON 1 PT LOT 13, known municipally as 492

South Coast Drive

Recommendation

That application PLB-2024-096 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 28.03 metres (91.96 feet) and an area of 0.16 hectares (0.40 acres) from 492 South Coast Drive to 516 South Coast Drive to provide lot frontage and road access to 516 South Coast Drive.
- 2) Create an easement having a frontage of 7.06 metres (23 feet) and an area of 0.067 hectares (0.17 acres) to provide road access to 514 South Coast Drive.

The existing easement will be abandoned.

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 severed lands currently contain a driveway that has not been used and is covered by vegetation. The benefitting lands each contain a seasonal dwelling and accessory structures. The retained lands contain a single detached dwelling, accessory building, solar panels, and farmland. The surrounding land uses are generally lakeshore residential and agriculture in nature. Lake Erie is located to the south.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Building provided a sketch showing that there is a solar panel located on Retained Parcel 1, and Retained Parcel 2, and that there is a hydro meter box on Retained Parcel 1.

Haldimand County Planning & Development – Development Technologist: Permit for regulated areas by the LPRCA may be required.

Haldimand County Emergency Services: No comments received.

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

Hydro One: No comments received.

Mississaugas of the Credit: No comments or concerns at this time.

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 create road frontage and access for 516 South Coast Drive and a right of way via an easement for 514 South Coast Drive, which is desirable. The severed lands will remove a minimal amount of farmlands. 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 and easements 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 and easements that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm. For the reasons listed in the PPS section above, it Planning staff's opinion that the proposal conforms with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The severed and retained lands are zoned "Agricultural (A)" zone in the Haldimand County Zoning By-law HC 1-2020. The Benefitting lands are zoned "Lakeshore Residential (RL)" zone (516 South Coast Drive) and "Agricultural (A)" zone (514 South Coast Drive) in the Haldimand County Zoning By-law HC 1-2020. The existing residential uses are permitted in these zones.

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 28.03 metres (91.96 feet), and an area of 0.16 hectare (0.40 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 icleaver@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. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 16th, 2026, after which time this consent will lapse.

File No. PLB-2024-096

Assessment Roll No. 2810.332.002.0230.0000

Location Map FILE #PLB-2024-096 APPLICANT: Sandner





Location:

492 SOUTH COAST DRIVE GEOGRAPHIC TOWNSHIP OF WALPOLE WARD 1

Legal Description:

WALPOLE CON 1 PT LOT 13

Property Assessment Number:

2810 332 002 02300 0000

Size:

1.744 Hectares

Zoning:

A (Agriculture), RL (Lakeshore Residential), HCOP Lakeshore Hazard Lands, LPRCA Regulated Lands

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Owner's Sketch FILE #PLB-2024-096 APPLICANT: Sandner

