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# Haldimand County Committee of Adjustment



## Consent

**File Number:** PLB-2024-019

**Property Roll Number:** 2810.023.001.101000000

**Applicant:** Pine Ridge Gardens Inc. (Henry Westerveld)

**Agent:** No Agent

**Property Location:** 802 Diltz Rd. Dunnville, ON

**For consideration on: December 17, 2024**

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## Summary

The applicant proposes a boundary adjustment to add 0.8 hectares (1.98 acres) of land from 802 Diltz Road to 782 Diltz Road. Planning staff recommends approval as the application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

## Recommendation

THAT application PLB-2024-019 be approved subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

**Prepared by: Ashley Crosbie, MCIP, RPP, M.PI, Senior Planner, Planning and Development**

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

## Details of the Submission:

### Proposal:

The applicant owns and operates a commercial greenhouse at 782 Diltz Road and farms the land at 802 Diltz Road. The applicant constructed additional rows of greenhouses over the shared lot line between 782 and 802 Diltz Road. To remedy this situation, the applicant submitted a consent application to boundary adjust a portion of land having no frontage and an area of 1.57 hectares (3.88 acres) from 802 Diltz Road to 782 Diltz Road. The Committee of Adjustment considered this application on March 26, 2024 and, per Planning staff's recommendation, deferred the application to address comments and concerns from the Niagara Peninsula Conservation Authority (NPCA) relating to the adjusted lot line dissecting NPCA regulated natural heritage features.

The applicant resubmitted his consent application to boundary adjust a smaller portion of land, outside of the NPCA regulated natural heritage features to address NPCA's comments and concerns, having no frontage and an area of 0.80 hectares (1.98 acres). If approved, 782 Diltz Road will maintain a frontage of 182 metres (597 feet) and will have a new consolidated area of 12.59 hectares (31.11 acres) and 802 Diltz Road will maintain a frontage of 366 meters (1,202 feet) and will have an area of 13.42 hectares (33.16 acres).

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

The subject lands and benefitting lands are located in the geographic township of Moulton, in the prime agricultural area of the County. The subject lands are municipally addressed as 802 Diltz Road. The subject lands consist of the severed lands and retained lands. The benefitting lands are municipally addressed as 782 Diltz Road.

The severed lands have no frontage and an area of 0.80 hectares (1.98 acres). The retained lands have a frontage of 366 metres (1,202 feet) and an area of 13.42 hectares (33.16 acres). The benefitting lands have a frontage of 182 metres (597 feet) and an area of 11.79 hectares (29.13 acres).

The severed lands contain the rows of greenhouses expanded from the commercial greenhouse operation on the benefitting lands. The retained lands contain a bunk house and are in active agricultural (crop) production. The benefitting lands contain a commercial greenhouse operation, a single detached dwelling, and accessory buildings.

Surrounding lands uses include agriculture (including other commercial greenhouse operations) and rural residential uses.

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

Not applicable.

## **Agency & Public Comments**

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

The operation on the benefitting lands is considered to be a commercial greenhouse. Section 4.12 Commercial Greenhouse of the Haldimand County Zoning By-law HC 1-2020.

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

No comments or concerns.

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

No comments.

### **Niagara Peninsula Conservation Authority:**

The NPCA commented on the original application that the NPCA would not require a technical memo regarding the wetlands or flood mapping for the proposed boundary adjustment. However, in

principle, the NPCA did not support the original application because the Owner's Sketch did not show the NPCA regulated boundary or setbacks from the commercial greenhouse to the adjusted lot line; the mapping showed the adjusted lot line dissecting an NPCA regulated ditch; and NPCA mapping showed the adjusted lot line dissecting an NPCA regulated wetland. NPCA commented that they could support a revised application where the lot line was closer the commercial greenhouse and outside of the NPCA regulated wetland.

Since the original application was considered, there have been conversations with NPCA staff on this matter. It is Planning staff's opinion that this revised application respects those discussions. The revised lot line will remain outside of the NPCA regulated natural heritage features; As such, the NPCA can support this application.

The applicant should be aware that NPCA regulated features exist on the properties. Should any future development or site alteration be proposed, the NPCA shall be circulated for review and approval.

**Planning staff comment:** In addition to satisfying the NPCA, the applicant has satisfied the PPS and County policies related to natural heritage features. No additional analysis relating to natural heritage features will be completed in the Planning Analysis section below.

**Hydro One:**

No concerns of 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 Planning Statement, 2024 (PPS)**

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

All of the lands subject to this application will remain in agricultural production (i.e. operating commercial greenhouse and cropping). The severed lands are minimized to the amount of land containing the greenhouses with an appropriate buffer. The boundary adjustment will bring all rows of greenhouses onto the consolidated benefitting and severed lands and, at the same time, will not negatively impact the viability of agricultural production on the retained lands. The boundary adjustment is for agricultural purposes, remedies a lot line situation, is minor in nature, and does not create a new lot.

It is Planning staff's opinion that the application is consistent with the PPS.

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

The subject lands and benefitting lands are designated "Agriculture" in the OP and are subject to the "Significant Natural Environment Area Features" and "Riverine Hazard Land" Overlay designations.

Similar to the PPS, the OP permits severances for legal or technical reasons, including minor boundary adjustments, that do not create an additional separate lot and do not compromise the functionality and/or viability of a farm.

For the reasons discussed in the PPS section above, it is Planning staff's opinion that the application conforms with the OP.

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

The subject lands and benefitting lands are zoned "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020. The "A" Zone permits a single detached dwelling, farm buildings, accessory buildings, agricultural uses, and commercial greenhouses.

The severed and benefitting lands contain a commercial greenhouse operation. A commercial greenhouse is defined as a facility that measures 23,226 square metres (250,000 square feet). The Zoning By-law provides additional zoning provisions for commercial greenhouses, including increased setbacks between the commercial greenhouse and lot lines. The Manager of Building & Municipal Enforcement Services has confirmed that the lot adjustment will satisfy the setback provisions. The applicant should be aware that commercial greenhouses are subject to site plan control; Should the applicant desire to expand the commercial greenhouse operation in the future, a site plan application must be approved ahead of application and issuance of building permits.

The retained lands continue to meet the lot frontage, lot size, and setback requirements of the Haldimand County Zoning By-law.

It is Planning staff's opinion that the application conforms to the Zoning By-law.

### **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 10/22/2024

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
2. Location Map
3. Owner Sketch