
Haldimand County Committee of Adjustment



Consent

File Number: PLB-2024-213

Property Roll Number: 2810 153 002 01100 0000

Applicant: Walnut Grove Farms

Agent: Charles and Elizabeth Reu

Property Location: 4066 Highway 6, Legally Described as OND RANGE EPR PT LOT 27

For consideration on: December 17, 2024

Summary

The applicant proposes a boundary adjustment to add 0.28 hectares (0.69 acres) of land from 4066 Highway 6 to 4072 Highway 6. Planning staff recommends approval of this application, subject to the attached conditions, as it 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 PLA-2024-213 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: Jassie Cleaver, Secretary Treasurer, Committee of Adjustment

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

Details of the Submission:

Proposal:

The applicant submitted a consent application to boundary adjust a portion of land having a frontage of 10.8 meters (35.43 feet) and an area of 0.28 hectares (0.69 acres) from 4066 Highway 6 to 4072 Highway 6 with a frontage of 65 meters (213.25 feet) and an area of 31.1 hectares (76.85 acres). The proposed benefitting lands are run on well and septic systems. The purpose of the application is to regularize the lot shape of 4072 Highway 6 so that it will share an interior lot line with the abutting rural residential lot to the north (4078 Highway 6) and match the rear lot line with the adjacent rural residential lot to the south (4064 Highway 6). The purpose of the application is also to provide 4072 Highway 6 with additional lands that are currently being maintained by the owners of said lot, provide

4072 Highway 6 with additional yard space for a future accessory building (detached garage), and to remove the potential for a future road / driveway access between 4072 Highway 6 and the abutting rural residential lot to the north (4078 Highway 6).

Site Features and Land Use:

The subject lands and benefitting lands are located in the geographic township of Oneida. The subject lands are municipally addressed as 4066 Highway 6. The subject lands consist of the severed lands and retained lands. The benefitting lands are municipally addressed as 4072 Highway 6.

The severed lands have a frontage of 10.8 metres (~35 feet) on Highway 6 and an area of 0.28 hectares (0.69 acres). The severed lands are irregular in shape. The severed lands are shaped as a backwards “L” wrapping around the north and east sides of the benefitting lands. The severed lands contain a residential accessory building (shed) and are mostly maintained yard space as their dimension and shape make the severed lands unusable for farming purposes. The severed lands are proposed to be consolidated / merged with the benefitting lands.

The retained lands have a frontage of 71.16 metres (~233 feet) on Highway 6 and an area of 30.92 hectares (76.4 acres). The retained lands are vacant and are in active agricultural (crop) production.

It is Planning staff’s understanding that the owners of the retained lands also own the abutting farmlands to the north (4136 Highway 6) and farm the retained lands and abutting farmlands as one operation. The abutting farmlands contain a single detached dwelling and two (2) barns, which are centrally located within the abutting farmlands, with the remainder of the lands in active agricultural (crop) production. This overall farming operation is not reflected in the Location Map (as County staff have not been advised of the merging / consolidation of these lands) and the abutting farmlands are not part of the subject lands. However, the overall farming operation is reflected in the attached Owner’s Sketches.

The benefitting lands have a frontage of 30.48 metres (100 feet) on Highway 6 and an area of 0.23 hectares (0.58 acres). The benefitting lands contain a single detached dwelling on private services.

Although the retained lands are actively farmed and the benefitting and severed lands are rural residential in nature, the subject lands and benefitting lands are located in the Hagersville settlement area boundary. The abutting farmlands to the north (4136 Highway 6) are partially located in the Hagersville settlement area boundary.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments received.

Haldimand County Planning & Development Services – Development Technologist:

No concerns with application.

Haldimand County Emergency Services:

No comments received.

Ministry of Transportation:

No comments received.

Hydro One:

No comments received.

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 subject lands and benefitting lands are located within Hagersville settlement area boundary.

Settlement areas are the focus of growth and development. The PPS does not provide policy direction and criteria for boundary adjustments within settlement areas. However, Planning staff review boundary adjustments within settlement areas based on their impact on future growth and development opportunities. The application will not have any impact on future growth and development opportunities in this area of Hagersville.

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, together with the adjacent lands, were recently brought into the Hagersville settlement area boundary through the County's Official Plan (OP) Update project.

Prior to the OP Update, the lands were located in the prime agricultural area of the County, just north of Hagersville. The lands were also redesignated from “Agriculture” to “Urban Business Park” through the OP Update.

The OP Update envisions this area to develop into an urban business park in the long-term. Urban business parks are clusters of industries and business located within urban areas. The role of urban business parks is to provide opportunities for the development of industrial activities and those commercial uses that provided services to the industrial area or increase the attractiveness of industrial uses.

Notwithstanding, the OP permits uses that legally existed prior to the adoption of the OP or OP Update (2024) to be recognized in the Zoning By-law, subject to criteria, including that the legally existing uses must not unduly interfere with the desirable development of the adjacent area, particularly development that conforms with the policies of the OP.

It is Planning staff’s understanding that the owners of both the benefitting lands and retained lands plan to continue to use their properties for rural residential and agricultural purposes, respectively. However, Planning staff must assess the application against the future urban business park use, as this is the intended long-term use set out in the OP, to ensure that the application will not have any negative impacts on the future urban business park.

It is Planning staff’s opinion that the proposed boundary adjustment will not have any negative impacts. The application simply seeks to permit a small amount of maintained yard space to be severed from an existing agricultural lot and merged with an existing rural residential lot. The application does not seek to introduce or facilitate a new incompatible, sensitive land use within the future urban business park or limit access to the future urban business park. Instead, the application facilitates the consolidation of an appropriately sized urban business park lot (approximately 0.4 hectares (~1 acre) that is more regularly shaped; This is beneficial to any future industrial or commercial proposals that could come forward in the long-term. The size and shape of the consolidated lot (comprised of the severed lands and benefitting lands) also makes sense for current rural residential use and location in the context of the abutting and adjacent lands.

It is Planning Staffs opinion that the application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands and benefitting lands are zoned “Agriculture (A)” Zone within the Zoning By-Law HC 1-2020. The Zoning By-law legally recognizes the existing and actual use of the lands (i.e. rural residential and agriculture). Agriculture, a single detached dwelling, and residential accessory buildings are permitted on the lands under the “A” Zone.

The subject lands and benefitting lands satisfy the “A” Zone provisions (i.e. lot frontage, lot area, setbacks, etc.). The application will minimally increase the frontage and area of the consolidated lot. The retained lands will continue to satisfy the “A” Zone provisions.

The application notes that a residential accessory building (i.e. detached garage) is proposed for the consolidated lot. A residential accessory building is permitted within the “Agriculture (A)” Zone. The applicants will need to apply for building permits and ensure conformance with the Zoning By-law.

It is in Planning staff’s opinion that this 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 11/29/2024

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. Owners Sketch 1
4. Owners Sketch 2
5. Owners Sketch 3