
Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2025-015

Property Roll Number: 2180.033.200.31185.0000

Applicant: 1783576 Ontario Ltd

Agent: Nick Dyjach

Property Location: Walpole Concession 7, Part Lot 7, Known Municipally as 1350 Haldimand Road 55

For consideration on: March 25, 2025

Summary

Relief is requested from the 'Agriculture "(A)" Zone with site-specific provisions, pursuant to Haldimand County Zoning By-law HC 1-2020, to grant relief of the building height, maximum gross floor area, and minimum parking spaces. This application is to address a revised Site Plan application for a proposed Cold Storage Facility, which is being reviewed under separate cover (application number PLSP-HA-2023-115).

Recommendation

THAT application PLA-2025-015 be APPROVED. The application meets the four tests of a Minor Variance, in accordance with Section 45(1) of the *Planning Act*.

Prepared by: John Douglas, MCIP, RPP, Senior Planner

Reviewed by: Mark Andrews, M.A., MCIP, RPP, Senior Planner

Reviewed by: Krystina Wheatley, Supervisor, Planning & Development

Details of the Submission:

Proposal:

A Zoning By-law Amendment application to amend the zoning for the subject lands from the 'Agriculture "(A)" Zone to the 'Agriculture "(A)" Zone with site-specific provisions to permit an agricultural Cold Storage facility, as a stand alone Agriculture-Related use was approved by Council on September 25, 2023.

An application for Site Plan Approval has also been submitted by the applicant. The site plan hasn't been approved yet, but is close to getting final approval. The applicant recently requested a revision to the Site Plan application to increase the height, gross floor area, and to reduce the number of parking spaces. The proposed changes necessitated the submission of this Minor Variance application.

Relief is requested to increase the maximum building height, maximum gross floor area, and parking space relief of the 'Agriculture "(A)" with site-specific provisions of the Haldimand County Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Building Height	14m (1353-HC/23) (45.93 feet)	15.0 m (49.21 feet)	1.0 m (3.28 feet)
Maximum Gross Floor Area	3,510 sq. m. (1353-HC/23) (37,781.33 sq.ft)	3,855 sq. m. (41,494.875 sq.ft.)	345sq. m. (3713.55 sq.ft.)
Parking (spaces)	50 spaces	41 spaces	9 spaces

The relief is requested to address the three (3) deficiencies noted above within the “Agriculture “(A)” Zone with site-specific provisions of the Haldimand County Zoning By-law HC 1-2020, to allow an updated building design to include an increased third storey mezzanine to be used for seed storage and research space.

The building height has a requested relief of 1.0 metre (3.28 feet), allowing 15.0 metres (49.21 feet) whereas 14 metres (45.93 feet) is permitted (reference by-law 1353-HC/23). The request for the additional height is required to meet the required floor-to-height clearance for racking and equipment, and to allow the structural design proposed.

In addition, the Maximum Gross Floor Area has a requested relief of 345 sq.m. (3713.55 sq.ft.), allowing a total Maximum Gross Floor Area of 3,855 sq.m. (41,494.875 sq.ft.), whereas 3,510 sq.m. (37,781.33 sq.ft.) is the maximum permitted. This request is to address the increase in gross floor area that will be required to allow for the third storey mezzanine.

Lastly, relief is being requested to allow for the minimum required parking spaces; requesting 41 parking spaces, whereas 50 parking spaces are required. The increase in the floor area resulted in an additional 9 parking spaces being required. However due to the floodplain area restrictions it is not possible to accommodate the additional 9 parking spaces.

Site Features and Land Use:

The subject lands are located at the south east corner of Haldimand Road 55 and Highway 3 and are approximately 2 hectares (5 acres) in area. The lands are legally described as Part Lot 7, Concession 7, Geographic Township of Walpole, Haldimand County and known municipally as 1350 Haldimand Road 55.

The subject application was submitted to accommodate a revision to Site Plan for the development of a Cold Storage Facility on the western half of the subject lands.

The subject lands are currently vacant and located entirely within lands regulated by the Long Point Region Conservation Authority (LPRCA). Although relatively flat, the eastern portion of the lot is lower and not suitable for development. The proposed Cold Storage facility is located at the west end of the lot within a limited building envelope high enough to be suitable for development.

There is an existing fire hydrant located within 90 metres of the proposed principal entrance providing access for fire suppression. A private drilled water well and an on-site septic system will be used to provide services for the daily functions of the cold storage facility.

Surrounding land uses are predominantly agricultural, with four (4) non-farm residential dwellings located on the north side of Highway 3. The closest of the dwellings is approximately 65 metres (213 feet) north of the northern property line of the subject lands. Immediately to the south of the subject

lands is a Haldimand County Bulk Water Depot. To the east, land uses are predominantly agricultural, residential and commercial. About 500 metres (1,640 feet) west of the subject lands is the Urban Area of Jarvis.

Planning staff support the subject application and have not received any concerns through the circulation of this proposal.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Property zoned Agricultural. MTO & LPRCA approvals will be required.

Planning Comments: Through comments received from MTO and LPRCA (and new LPRCA comments below) regarding the associated applications for Zoning By-law Amendment and Site Plan Approval, the applicant is aware that MTO and LPRCA permits are required.

Haldimand County Planning & Development Services – Development Technologist:

No comments, further review will take place for site plan application.

Haldimand County Emergency Services:

No comments.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments.

Long Point Region Conservation Authority:

LPRCA staff can advise that the application is consistent with Section 5.2.2 b) and 5.2.3 c) of the Provincial Planning Statement, 2024.

Permitting under Ontario Regulation 41/24

The subject lands are largely regulated by Long Point Region Conservation Authority under Ontario Regulation 41/24 due to the presence of floodplain associated with Sandusk Creek. Permission from this office is required prior to any development within the regulated area as defined in the Conservation Authorities Act. This includes the septic system and stormwater management pond.

Development is defined as:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or
- potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading, or
- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Ontario Regulation 41/24)

Planning Comments: The LPRCA has expressed no objection to the subject application. The applicant will have to obtain any required approvals/permits from the LPRCA to proceed with development.

Ministry of Transportation:

MTO comments have been provided with respect to the associated applications for Zoning By-law Amendment and Site Plan Approval. No additional comments were received regarding the subject Minor Variance application.

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

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 Haldimand County Official Plan (OP) creates the long-term framework for guiding land use changes in the County by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context.

The subject lands are designated “Agriculture” with a Riverine Hazard Overlay in accordance with the Haldimand County Official Plan. The OP identifies that the predominant use of lands within areas designated “Agriculture” shall be used for agriculture and agriculture-related uses.

Staff are of the opinion that the proposed cold storage facility is an agriculture-related use that will support the regional agri-food industry. The proposed facility will allow local producers to store commodities, reducing spoilage and allowing for timely delivery of goods to regional markets and processing facilities.

The Applicant has worked with the County and Long Point Region Conservation Authority (LPRCA) to address the Riverine Hazard Land Policies in the Official Plan. In particular, given the topography of the subject lands, a significant portion of the property is susceptible to flooding. However, a portion of the subject property situated at the west end of the subject lands has been identified as a suitable building site that is outside of the 1-in-100 year flood zone. The LPRCA has advised that they have no concerns with the application as submitted and will require LPRCA permits for development of the site. Detailed LPRCA comments are provided on page 4 of this report.

Staff are satisfied that the proposed development conforms to the Riverine Hazard Policies in the Official Plan.

It is noted that within Haldimand County, predominantly near the Urban Area of Jarvis, that naturally occurring methane gas migration is found. The property is subject to this and therefore

a Methane Gas Evaluation was completed as part of a Geotechnical Investigation conducted by Petro MacCallum Ltd. Consulting Engineers for the associated Zoning By-law Amendment and Site Plan applications. The report concluded that concentrations of methane were not considered to be significant and will not affect the proposed development or create undue negative impacts or hazards on the subject lands.

It is the opinion of Planning staff that the subject Minor Variance application maintains the general intent and purpose of the OP.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment:

As noted previously in this report, Haldimand County Council approved an application to amend the Zoning By-law for the subject lands to permit the Cold Storage facility as a stand alone Agriculture-Related use. After the site specific Zoning By-law (1353-HC/23) for the subject lands was approved, the applicant became aware that 1.0 m of additional building height and some additional floor space were needed beyond what was approved in 1353-HC/23. The additional gross floor area resulted in an additional 9 parking spaces to be provided on site, which cannot be provided on the site due to the flood plain constraints.

The subject Minor Variance application is required to allow the additional building height, floor area and the reduction to the required number of parking spaces.

No objections or concerns were raised in response to the circulation of the subject application.

Staff are of the opinion that the subject application maintains the general intent and purpose of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment:

As noted, Council approved site specific Zoning By-law 1353-HC/23 to permit the proposed Cold Storage Facility on the subject lands. Council supported the recommendations in the planning staff report that the proposed Cold Storage facility was desirable for the appropriate development of the subject lands. No concerns or objections to the relief requested under the subject Minor Variance application have been received. Staff are of the opinion that the proposed development permitted by the subject Minor Variance application continues to be desirable for the appropriate development of the subject lands.

4. Is the application minor?

Planning staff comment:

The subject application seeks relief from site specific Zoning By-law 1353-HC/23 which was approved by Council on September 25, 2023 to permit the proposed Cold Storage facility on the subject lands. The application seeks relief to allow a structure of 15m (49.21feet) in height whereas 14m (45.93 feet) is permitted, requiring a variance of 1m (3.28 feet) . The application also seeks to allow an increase of the maximum gross floor area of 3,855 sq. m. (41,494.875 sq.ft.) whereas 3,510 sq. m. (37,781.33 sq.ft) is permitted, requiring a variance of 345 sq. m. (3713.55 sq.ft.). The subject Minor Variance application also seeks a variance to address a deficit of 9 parking spaces (41 spaces whereas 50 are required).

Given the relatively small deviation of the Zoning By-law provisions due to the revised proposal, and given that no objections or concerns have been received with respect to the subject Minor Variance application, staff are satisfied that the variances proposed are 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 March 14, 2025.

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

Attachments:

1. PLA2025015_Attach1_Map_Location
2. PLA2025015_Attach2_Map_OwnersSketch