
Haldimand County Committee of Adjustment



Consent

File Number: PLB-2024-280

Property Roll Number: 2810-152-001-1030-00000

Applicant: Jerry Jeffery Fox

Agent: N/A

Property Location: Seneca Concession 2, Part Lot 17, Known Municipally as 424 Singer Road

For consideration on: March 25, 2025

Summary

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. The proposed severed lands are approximately 0.44ha (1.09 acres) in size, with a frontage of 54 meters (177.2 feet) on Singer Road.

Recommendation

THAT application PLB-2024-280 be APPROVED, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent and purpose of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

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

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

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

Details of the Submission:

Proposal:

The applicant proposes to sever a parcel of land containing a surplus farm dwelling, and a residential accessory building (storage shed). The severed lands are approximately 0.44 hectares (1.09 acres) in area with a frontage of 54 meters (177.2 feet) on Singer Road. The retained lands will contain an area of 24.27 hectares (59.97 acres) with 846 meters (2,775.6 feet) of frontage on Singer Road. The retained lands will continue to be actively farmed by the applicant.

Site Features and Land Use:

The subject lands are located in the former geographic township of Seneca and on the east side of Singer Road. The subject lands currently contain a residential dwelling, accessory structures and solar panels. The severed lands will include the residential dwelling and the accessory structure however, will not include the solar panels, which will remain on the retained lands. The surrounding land uses are generally rural residential and agriculture in nature.

The subject lands are zoned ‘Agriculture “(A)”’ Zone in accordance with Haldimand County Zoning By-law HC 1-2020 and designated “Agriculture” on Schedule “A.1” (Haldimand County North Land Use Plan) of the Haldimand County Official Plan.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

- Property lines must be in conformance of article 8.2.1.6. Clearances for a Class 4 Sewage System.
- Cistern or well must fully be on the severed parcel.
- The existing storage shed shall meet Haldimand County zoning by-law general provisions of accessory structures to residential uses (Section 4.2) for setbacks.
- The house shall meet setback zoning provisions for Agricultural zones set out in Section 11.3.
- A survey and a sewage system evaluation is necessary to confirm setbacks and clearances.

Haldimand County Planning & Development Services – Development Technologist:

Ensure that the setbacks for the existing shed from the property line comply with zoning.

Haldimand County Emergency Services:

No concerns of application.

Niagara Peninsula Conservation Authority:

NPCA has reviewed the Consent Application to sever the existing dwelling.

- Based on the NPCA Mapping the subject property is impacted by the following NPCA Regulated Features:
 - Regulated 1-in-100-year floodplain (unmapped)
 - Regulated watercourses and associated 15m buffers
 - Provincially significant wetland and associated 30m buffer
 - Potential unevaluated wetlands
- The location of the proposed new lot and associated lot lines are outside the NPCA regulated features. Therefore, the NPCA has no objections to the proposed severance.
- Please note that any development or site alterations proposed in the future within NPCA regulated areas or their buffers will require NPCA approvals ahead of the commencement of the works on site and would require a formal NPCA Permit.

Hydro One:

No comments or concerns.

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 are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area, outside settlement area boundaries. However, Section 4.3.3.1 of the PPS sets out four circumstances under which lot creation in the prime agricultural area can be considered, only one of which applies in this case:

“4.3.3.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and”

It is Planning staff’s opinion that the proposed surplus farm dwelling severance does not conflict with the policies of the PPS.

Haldimand County Official Plan (OP)

The subject lands are designated “Agriculture” in the Haldimand County Official Plan (OP).

The OP echoes the PPS and that lot creation in the “Agriculture” designation shall be discouraged and may only be permitted in limited circumstances, including a severance for a habitable farm dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new residential dwelling shall be permitted on the retained lands.

Planning staff comment: The applicant submitted a declaration of habitability stating the surplus farm dwelling is habitable. The surplus farm dwelling located on the subject land was constructed in 1870. The applicant has demonstrated that the farm dwelling was made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings within the County.

The creation of a surplus farm dwelling lot will be based on the following:

- a) The severance shall generally be 0.4 hectares (0.99 acre) to 0.6 hectares (1.48 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production;

Planning staff comment: The severed lands are approximately 0.44 hectares (1.09 acres) in size.

- b) No severance shall be granted unless the proposed lot can be serviced by an on-site sanitary sewage system designed and installed as per the Ontario Building Code;

Planning Comment: The severed lands will be serviced by the existing cistern and septic system. A septic evaluation will be required as condition of consent to ensure that the existing services meet applicable *Ontario Building Code* requirements.

- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;

Planning Comment: The retained lands will contain an area of 24.27 hectares (59.97 acres), which is sufficient for a viable farming operation. A condition will be placed on the retained lands to maintain frontage and access onto a municipal road.

- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted.

Planning Comment: There is no livestock operation on the subject lands. Therefore the MDS formulae does not apply.

- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Comment: The severed lands are not located within 300 metres of licensed pits or 500 metres of licensed quarries.

- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road.

Planning Comment: The severed and retained lands will maintain frontage on an existing public road (Singer Road).

- g) Potential impacts on natural environment areas and / or cultural resources shall be assessed and addressed, where necessary.

Planning Comment: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources

It is Planning staff's opinion that that the application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agriculture "(A)" Zone in the Haldimand County Zoning By-law HC 1-2020. The "(A)" Zone permits agricultural uses, a single family dwelling, and residential accessory buildings. The Zoning By-law automatically rezones the severed lands and retained lands when the Committee of Adjustment approves surplus farm dwelling lots that are between 0.4 hectares (0.99 acres) to 0.6 hectares (1.48 acres) in size. Given that the severed lands are 0.44 (1.09 acres) in size, the severed lands and retained lands would qualify for the automatic rezoning process, which prohibits new residential and residential related uses on the retained lands.

The "(A)" Zone requires a minimum lot size of 1,855 square metres (0.19 hectares) and a minimum lot frontage of 30 metres (98.43 feet). The severed lands will contain a lot area of approximately 4,400 square metres (0.44 hectares) with frontage of 54 metres (177.17 feet), which complies with the 'Agriculture "(A)" Zone provisions in the Zoning By-law.

It is Planning staff's opinion that the subject application conforms to and maintains the intent of 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 March 4, 2025.

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. PLB2024280_Attach1_Condition Sheet
2. PLB2024280_Attach2_Map_Location
3. PLB2024280_Attach3_Map_OwnSketch1
4. PLB2024280_Attach4_Map_OwnSketch2