
Haldimand County Committee of Adjustment



Consent

File Number: PLB-2025-005

Property Roll Number: 2810-152-001-0850-00000

Applicant: Justin Clappison

Agent: Kim Hessels

Property Location: Seneca Concession 2, South East Stoney Creek Road Part Lot 9, Known Municipally as 1000 Concession 2 Road

For consideration on: March 25, 2025

Summary

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. The proposed surplus farm dwelling lot will have a frontage of approximately 36.7 meters (120 feet) on Concession 2 Road and an area of 0.33 hectares (0.81 acres).

Recommendation

THAT application PLB-2025-005 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 is proposing to sever a parcel of land containing a surplus farm dwelling. The proposed surplus farm dwelling lot will have a frontage of approximately 36.7 meters (120 feet) on Concession 2 Road and an area of 0.33 hectares (0.81 acres). The retained lands will continue to maintain access to Concession 2 Road with a frontage of 118 meters (387 feet), and an area of approximately 19.48 hectares (48.13 acres), and will continue to be farmed by the applicant. In addition, the retained lands will contain the accessory structures as these will not remain on the surplus farm dwelling lot.

Site Features and Land Use:

The subject lands are located in the former geographic township of Seneca and fronts onto the south side of Concession 2 Road. The subject lands currently contain a residential dwelling and accessory structures. The

proposed severed lands have a frontage of 36.7 metres (120 feet) and an area of 0.33 hectares (0.81 acres). The surrounding land uses are generally agricultural with associated residential uses.

The subject lands are zoned 'Agriculture "(A)" Zone, in part and 'Wetland "(W)" Zone, in part in accordance with Haldimand County Zoning By-law HC 1-2020 and designated "Agriculture" on Schedule "A.1" (Haldimand County North Land Use Plan) in the Haldimand County Official Plan.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

Application will require a septic evaluation to be completed.

Haldimand County Planning & Development Services – Development Technologist:

No comments or concerns.

Haldimand County Emergency Services:

No comments received.

Niagara Peninsula Conservation Authority:

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:

Hydro One Inc. requires that each property (retained and severed) have separate electrical services that do not cross the new property lines.

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 are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area and outside of settlement area boundaries. Section 4.3.3.1(c) permits lot creation for residence surplus to an agricultural operation as a result of farm consolidation and amalgamation provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services and the planning authority ensures that residential or residential related uses are removed from the retained lands as permitted uses.

Planning Comment: A septic evaluation will be required as a condition of Consent approval to ensure that the surplus farm dwelling lot is adequately sized to accommodate an adequate septic system. In addition, the retained lands will require a future Zoning By-law Amendment to prohibit any new dwellings and additional residential units as a condition of Consent approval.

The proposed severance meets the criteria for a surplus farm dwelling in the PPS and it is the Planning staff's opinion that the application is consistent with the PPS.

Haldimand County Official Plan (OP)

The subject lands are designated "Agriculture" on Schedule "A.1" (Haldimand County North Land Use Plan) in the Haldimand County Official Plan (OP).

The OP echoes the PPS policies that lot creation in prime agricultural areas (i.e., lands designated as Agriculture in the OP) shall be discouraged and may be only 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 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 Comment: The surplus farm dwelling lot will be 0.33 hectares (0.81 acres) in size. The application will minimize the amount of agricultural lands taken out of production and will remain as a functional lot. Given that the surplus farm dwelling lot is not between 0.4 to 0.6 hectares, it will not qualify for the automatic rezoning, therefore a Zoning By-law Amendment will be required to rezone the retained lands to remove residential and residential related uses as permitted uses. This will be required as a Condition of Consent approval.

- 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 adhere to applicable *Ontario Building Code* requirement(s).

- 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 be 19.48 hectares (48.13 acres) in size, which is sufficient for a viable farming operation. The surplus farm dwelling lot is sized accordingly and is not anticipated to negatively impact to the existing agricultural operations on the retained lands.

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

Planning Comment: There are no livestock operations 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 subject 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 subject lands will maintain frontage on an existing public road (Concession 2 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 any adverse or negative impact on the surrounding natural or cultural resources

It is Planning staff's opinion that that the subject application conforms to the intent and purpose of 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 agriculture use, a single family dwelling, and residential accessory buildings. Due to the size of the surplus farm dwelling lot, a Zoning By-Law Amendment application will be required to rezone the retained lands to prohibit new residential or residential related uses as condition of Consent approval.

The "(A)" Zone requires a minimum lot size of 1,855 square metres (0.46 acres) and a minimum lot frontage of 30 metres (98.43 feet). The surplus farm dwelling lot will have a lot size of approximately 3,300 square metres (0.81 acres) and a frontage of 36.7 metres (120 feet), and is expected to meet all other applicable zoning provisions.

It is Planning staff's opinion that the application conforms to the Haldimand County Zoning By-law HC 1-2020.

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 February 24, 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. PLB2025005_Attach1_Condition Sheet
2. PLB2025005_Attach2_Map_Location
3. PLB2025005_Attach3_Map_OwnerSketch
4. PLB2025005_Attach4_Map_OwnerSketch2