
HALDIMAND COUNTY

Report PDD-06-2025 Zoning By-law Amendment as a Condition of Consent – Sherbrooke



For Consideration by Council in Committee on April 8, 2025

Objective:

To consider an application received for a Zoning By-law Amendment to rezone the severed lands, which falls within the Lakeshore Node of Mohawk North from “Agriculture (A)” to Lakeshore Residential (RL)” to consolidate as a single zone to facilitate a boundary adjustment application.

Recommendations:

1. THAT Report PDD-06-2025 Zoning By-law Amendment as a Condition of Consent - Sherbrooke be received;
2. AND THAT application PLZ-HA-2024-279 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from “Agriculture (A)” zone to “Lakeshore Residential (RL)” zone be approved for the reasons outlined in the Report PDD-06-2025;
3. AND THAT the application is considered to be consistent with the Provincial Planning Statement 2024, and the Haldimand County Official Plan, and has regard for matters of Provincial interest under the Planning Act, 1990;
4. AND THAT the by-law attached to Report PDD-06-2025 be approved at a future Council meeting.

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

Reviewed by: Shannon VanDalen, MCIP, RPP, Manager, Planning & Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager, Community & Development Services

Approved: Cathy Case, Chief Administrative Officer

Executive Summary:

The owner has submitted a Zoning By-law Amendment application to rezone the severed lands from “Agriculture (A)” to “Lakeshore Residential (RL)”. The proposed amendment is to facilitate a condition of consent to rezone the subject lands to create a single zone for the benefiting lands and bring the lands in conformity with the policies of the Official Plan, and create consistency with surrounding lakeshore lots.

Planning staff are of the opinion that this proposal is consistent with the Provincial Planning Statement 2024, conforms to the Haldimand County Official Plan and meets the general intent of Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons outlined in the report.

Background:

The subject lands currently consist of both the severed and retained lands (Attachment 1). The severed lands are located within the Lakeshore Node of Mohawk North and are to be added to the adjacent lot (2409 Northshore Drive), through consent application PLB-2024-193, and which contains a single detached dwelling with accessory structure. The retained land contains an existing single detached dwelling with accessory structures and access onto North Shore Drive. The majority of the property is located outside the Lakeshore Node and is designated Agriculture; however, the portion along North Shore Drive is designated Lakeshore Residential and within the node boundary, including the benefitting lands. It is noted that the zoning by-law amendment is for the severed lands only. The Zoning By-law Amendment application is required as a condition of consent to complete the severance application that was conditionally approved by the Committee of Adjustment on November 12, 2024.

The retained land, which will continue to be known as 2421 Northshore Drive and legally described as Part Lot 19, Concession 2, Geographic Township of Sherbrooke, Haldimand County, has an area of approximately 6.3 hectares (15.6 acres), with a frontage of 95.18 metres (312.27 feet) on North Shore Drive. The conditionally severed land has a total area of 0.32 hectares (0.79 acres), with no frontage on an improved road and is to be added to 2409 North Shore Drive, which is a 0.32 hectare (0.86 acre) parcel.

To the south, east and west of the subject lands are existing residential properties, with agricultural lands to the north.

Analysis:

Planning staff completed an analysis of the proposed Zoning By-law Amendment application against the applicable Provincial and County Land use planning policy documents and legislation. The summary of this analysis is below.

Provincial Planning Statement (PPS), 2024

The severed lands and benefitting lands are located within the Lakeshore Node of Mohawk North. The PPS does not speak directly to or contain policies on boundary adjustment within existing Lakeshore Node boundaries, however, the PPS does direct growth and development within settlement nodes and supports the efficient use of lands and protection of natural resources, including agricultural lands. While lakeshore nodes are not classified as a settlement area, they do represent a unique form of cluster development within a delineated boundary and the subject zoning amendment is facilitating land consolidation for residential purposes. The application will not have a negative impact on agricultural lands or operations as the lands are already considered for non-agricultural uses. The PPS does not preclude or prohibit such boundary adjustments. Therefore, it is the opinion of the Planning staff that this application is consistent with the PPS.

Haldimand County Official Plan (OP)

The severed lands and benefitting lands are located within the Lakeshore Node of Mohawk North and are designated "Resort Residential" in the OP. The retained lands are split between a portion within the Lakeshore Node along (North Shore Drive), and designated as such, with the balance falling outside the node boundary and designated "Agriculture" in the OP.

The general development criteria within Lakeshore Nodes are:

- a) Suitability of areas relative to Hazard Lands, along the shoreline, Industrial Influence Area as defined in this Plan, and other land uses;

Planning Comments: The severed lands do not contain any Hazard Lands, is not directly along the shoreline, nor is in proximity within any Industrial Influence Area. The subject lands are being

added to the parcel located at 2409 North Shore Drive, which already contains a single detached dwelling so no new development is being proposed.

- b) Need to maintain a reserve of cottage properties for seasonal use;

Planning Comments: The boundary adjustment will not create an additional lot and will not consume any reserve of cottage properties.

- c) Need to maintain public access and usage of the Lakeshore;

Planning Comments: The property is not a lakefront property and the boundary adjustment will not impact access or usage of the Lakeshore.

- d) Implications of assuming and/or upgrading existing private roads and rights-of-way;

Planning Comments: The existing lot has frontage on a public road and does not require the assumption or upgrade to private roads or rights-of-way.

- e) Need for upgrading existing public roads and public rights-of-way;

Planning Comments: The boundary adjustment will not result in the need to upgrade the existing public road, North shore Drive.

- f) Necessity for the provision of services such as recreational facilities, schools and busing, parks, garbage collection, medical fire and police services, etc.;

Planning Comments: Services are available at this location and in nearby urban Dunnville. There is no change to the net residential impact as land is being added to an existing developed property.

- g) Sustainability of soils and lot sizes to support individual sewage disposal systems and potable water supply;

Planning Comments: The existing dwelling on benefitting lands is on private services and the lands are sufficiently sized and is over the minimum lot size in the Zoning By-law. Should the owners wish to upgrade the existing services, a septic evaluation will be reviewed through building permit application.

- h) Potential demands for municipal servicing and major infrastructural improvements must be avoided;

Planning Comments: The dwelling on the benefitting lands is currently on existing private service and will not be connected to municipal services.

- i) Feasibility of combining undersized lots;

Planning Comments: Both the benefitting lands and retaining lands are sufficiently sized and is not considered to be undersized.

- j) Potential negative impacts on Natural Environment Areas such as wetlands, forested areas and fish habitat;

Planning Comments: Niagara Peninsula Conservation Authority (NPCA) have reviewed the conditionally approved application and the severed lands falls outside any existing wetlands and the proposal is not anticipated to have a negative impact on the natural environment.

- k) Potential negative impacts on cultural heritage resources; and,

Planning Comments: The boundary adjustment will not change the existing use of the benefitting land and is not expected to have a negative impact on the cultural heritage resources.

- l) Potential negative impacts on agricultural operations and lands.

Planning Comments: The severed lands are located within the Lakeshore Node of Mohawk North and is designated Resort Residential. The proposed use for the severed land is appropriate for the designation and does not have a negative impact on nearby agricultural operations.

Additionally, the OP permits lot additions within Lakeshore Nodes of an appropriate scale for residential purposes to facilitate the development of existing undersized lots of record within the Lakeshore Nodes. Further, the OP does not preclude or prohibit lot additions to enlarge existing lots that are currently a suitable size within Lakeshore Nodes.

While the benefitting lands are currently a suitable size, the severed lands are located within the Lakeshore Node and does not have any frontage on an improved road. The proposed boundary adjustment is appropriate as it will fill out the Lakeshore Node by utilising lands that otherwise do not have frontage to function as a standalone lot.

The subject application is considered to conform with the policies of the Haldimand County Official Plan and will facilitate the conditionally approved consent application.

Haldimand County Zoning By-law HC 1-2020

The severed and retained lands are zoned “Agriculture (A)” Zone and the benefitting lands are zoned “Lakeshore Residential (RL)” Zone in Haldimand County Zoning By-law HC 1-2020. The “RL” zone has a minimum required lot area of 925 square metres (9,956.62 square feet) and a frontage of 18 metres (59.06 feet). The resulting lot of the severed and benefitting lands will have a total area of approximately 6,700 square metres (72,118.2 square feet) and a frontage of 45.72 metres (150.0 feet) which meets the minimum zoning provision for “RL” zone for lot area and frontage. The “A” zone has a minimum required lot area of 1,855 square metres (19,967.1 square feet) and a frontage of 30 metres (98.43 feet). The retained lands have an overall area of 6.26 hectares (15.47 acres) and a frontage of 95.18 metres (312.27 feet) on North Shore Drive and will maintain the minimum required “A” Zone provisions of the Zoning By-law for lot frontage, lot area and setbacks for the existing buildings following the boundary adjustment. The severed lands will be rezoned to have the same zoning provision as the benefitting lands, “Lakeshore Residential (RL)”, ensuring that the lands are developed and used similarly with the surrounding area, which consists of single-family dwellings and in-line with the Official Plan policies.

It is the opinion of Planning staff that the proposal meets the general intent of the Zoning By-law and the rezoning of the severed lands is appropriate.

Financial/Legal Implications:

Not applicable.

Stakeholder Impacts:

Building & Municipal Enforcement Services: Boundary adjustment of Parcel 2 added to Parcel 1 there are no comments, addition has no issues.

Planning and Development – Development Technologist: No concerns.

Mississaugas of the Credit First Nation (MCFN): No objections or concerns.

Six Nations of the Grand River: No comment received.

Hydro One: No comment or concerns.

MPAC: No comment received.

Public: No comment received.

Report Impacts:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

References:

None.

Attachments:

1. Location Map.
2. Owners Sketch.
3. Draft Zoning By-law.