

Haldimand County Committee of Adjustment



Minor Variance

File Number: PLA-2024-166

Property Roll Number: 2810-022-003-03800-0000

Applicant: David Rose

Agent: Kim Hessels

Property Location: Canborough Concession 2 Part Lot 6 & 7 Reference Plan, 18R6111 Part 1, No Municipal Address

For consideration on: April 22, 2025

Summary

Relief is requested to allow for the “retained lands” to have a frontage of 13.53 meters (44.4 feet), whereas 30 metres (98.4 feet) is required within the ‘Agricultural “(A)” Zone, as a condition to the previously approved consent application PLB-2024-084.

Recommendation

THAT application PLA-2024-166 be approved subject to the condition below. The application meets the four tests of a minor variance.

Condition 1: That a septic evaluation for the severed parcel be completed and submitted to the Secretary - Treasurer, Committee of Adjustment for review and approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.

Condition 2: Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

Condition 3: Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County’s Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

Condition 4: Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The County is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

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: Relief is requested from the lot frontage provisions of the 'Hamlet Residential "(RH)"', and the 'Agricultural "(A)"' Zones of Haldimand County Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Minimum Lot Frontage	30 metres (98.4 feet)	13.53 metres (44.4 feet)	16.47 metres (54 feet)

The relief is requested to permit a minimum lot frontage of 13.53 metres (44.4 feet) for the "retained" parcel as shown on the location map (Attachment 1). The applicant is seeking relief of the minimum lot frontage provisions of the 'Agricultural "(A)"' and 'Hamlet Residential "(RH)"' Zones as a condition of consent to allow for the portion of the subject lands located within the Hamlet boundary be severed with the intention of future development.

Site Features and Land Use:

The subject lands are located in the geographic township of Canborough and fronts onto the west side of Robinson Road. Additionally, the lot has frontage on the south side of Hart Road (to the north). The subject lands are currently vacant and being actively farmed. The surrounding land uses consist of agriculture with associated residential dwellings.

The subject lands are designated "Hamlet" in part and "Agriculture" in part with the Riverine hazards Lands overlay on Schedule "C.1" Hamlet of Attercliffe Station in the Haldimand County Official Plan and zoned "Hamlet Residential "(RH)"' and 'Agriculture "(A)"' Zones in accordance with Haldimand County Zoning by-law HC 1-2020.

Existing Intensive Livestock Operations:

Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services:

No comments.

Haldimand County Planning & Development Services – Development Technologist:

Lot grading plan required, entrance permit required for retained parcel, and drainage reapportionment required.

Haldimand County Emergency Services:

No comments.

Haldimand County Water and Wastewater Engineering & Compliance:

No comments received.

Niagara Peninsula Conservation Authority:

NPCA has reviewed the provided Topographical Site Plan and notes that flood hazard is accurately identified. The NPCA can support the topographic survey as presented. As per the NPCA Policies, NPCA has no objection to the proposed dwelling and septic outside the floodplain at the subject property. NPCA will require appropriate Erosion and Sediment Control measures to be installed to prevent the transport of materials and sediment from the work area to the adjacent NPCA Regulated Features. NPCA will require any fill and machinery is kept outside the NPCA regulated 100-year floodplain. Any future development within a NPCA Regulated area will require NPCA review, approval and Permits from this office prior to the commencement of any works on site.

Ministry of Transportation:

No comments.

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 subject lands are designated “Hamlet” in part and “Agriculture” in part on Schedule “C.1” (Hamlet of Attercliffe Station) in the Haldimand County Official Plan (OP). The OP aims to protect the viability of prime agricultural areas for long-term agricultural use. A consent application was conditionally approved previously to create a surplus farm dwelling lot.

Section 3.A.1) of the OP states that:

“The predominant use of lands within areas designated Agricultural shall be agriculture. Agriculture is defined as the growing of crops, including nursery, biomass, and horticultural crops, woodlot management, raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; aviaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.”

The retained lands are currently and will continue to be used for agriculture purposes, subject to meeting the applicable regulations of the Zoning By-law.

Therefore, it is the opinion of Planning Staff that the proposal conforms to the general intent of the OP.

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

Planning staff comment:

The subject lands are zoned ‘Agricultural “(A)”’ in part and ‘Hamlet Residential “(RH)”’ in part, in accordance with the Haldimand County Zoning By-law HC 1-2020. The subject lands currently have an existing entrance that fronts onto Robinson Road and the entrance portion of the subject lands are within the “(RH)” Zone.

Section 2.3.2 of the Zoning By-law states that “Where a lot has more than one zone applied thereon, the permitted uses and general provisions of either zone may be applied to the entirety of the lot in accordance with the general provisions applicable to the permitted use.” Both the “(A)” and “(RH)” Zones require a minimum frontage of 30 metres (98.4 feet) and the proposed frontage is 13.53 metres (44.4 feet). Since the “(A)” and “(RH)” Zones require the same minimum lot frontage, the deficiency mirrors that provision of either zone. The intent of the minimum lot frontage provision for agriculture lots is to ensure that there is adequate primary access along a road or street, ensure adequate separation distance between primary structures and to ensure farm equipment can access the retained parcel. While the subject lands have existing frontage with an entrance on Robinson Road, the subject lands also have frontage on Hart Road to the north, which is a municipally maintained road. Should the applicant be required to have a wider entrance, there are opportunities to apply for a secondary entrance on Hart Road at that time. Therefore, the proposed frontage is not expected to negatively impact the functionality of the lot for agricultural purposes.

It is Planning staff’s opinion that the subject application maintains the intent of the Zoning By-law.

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

Planning staff comment:

As previously indicated, consent application PLB-2024-084 was approved by the Committee of Adjustment on June 11, 2024 to create the surplus farm dwelling lot. The Committee supported the application as it was deemed consistent with applicable surplus farm dwelling policies and desirable for the appropriate development of the subject lands, subject to the condition of the minor variance to address the lot frontage deficiency. Accordingly, for the reasons listed above, it is Planning staff’s opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment:

The subject application seeks relief from the applicable minimum lot frontage provisions to allow for access and continuous frontage on Robinson Road to continue agricultural operations on the retained lands and to allow farm equipment to access those lands. Given that the retained lands maintain frontage along Hart Road, this variance would represent a minor deviation from the Zoning By-law provisions and are not expected to have any negative impacts on the viability of the retained agricultural lands. For the reasons listed above, it is Planning staff's opinion that the subject application is 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 18, 2025.

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

Attachments:

1. Location Map
2. Owner's Sketch