

Haldimand County Committee of Adjustment



Consent

File Number: PLB-2025-028

Property Roll Number: 2810-153-003-07350-0000

Applicant: Villam Ltd.

Agent: C. Edward McCarthy

Property Location: Oneida Concession 5 and 6, Part Block, Cook Part Block Dennis Part Lots, 58 and 59 Reference Plan 18R4425 Part 29, Known Municipally as 100 Broad Road, Caledonia

For consideration on: April 22, 2025

Summary

The applicant is proposing a surplus farm dwelling severance within the 'Agricultural "(A)" Zone of Haldimand County Zoning By-Law HC 1-2020. The proposed severed lands are to have a frontage of approximately 42.49 metres (139.4 feet) on Broad Road, and an area of 0.80 Hectares (2 acres). The retained lands will have a frontage of approximately 832.3 metres (2,730.6 feet) on Broad Road and 231.5 metres (759.5 feet) of frontage along 4th Line, and an area of 43.23 hectares (106.8 acres).

Recommendation

THAT application PLB-2025-028 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 and a large accessory structure. The severed lands will have a frontage of approximately 42.49 metres (139.4 feet) on Broad Road and an area of 0.80 hectares (2 acres), which will contain the existing dwelling and accessory structure. The retained lands, a corner lot, will have frontage of approximately 832.3 metres (2,730.6 feet) on Broad Road and 231.5 metres (759.5 feet) of frontage on 4th Line and an area of 43.23 hectares (106.8 acres), and will continue to be used for agricultural purposes.

Site Features and Land Use:

The subject lands are located in the geographic township of Oneida and fronts onto the east side of Broad Road with frontage on the north side of 4th Line. The proposed surplus farm dwelling lot(i.e., the severed lands) currently contains a residential dwelling and an oversized accessory structure. The retained lands are currently vacant and contains an active agriculture operation. The surrounding land uses are generally agriculture with associated residential uses.

The subject lands are designated “Agriculture” on Schedule “A.1” (Haldimand County North Land Use Plan) in the Haldimand County Official Plan and zoned ‘Agricultural “(A)”’ Zone 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:

The septic bed and septic tank shall meet setbacks set out in 8.2.1.6. of the Ontario Building Code. All building setbacks to proposed property lines shall meet zone provisions of the Agricultural Zone in the Haldimand County Zoning By-law.

Haldimand County Planning & Development Services – Development Technologist:

Entrance permit or proof of entrance is required for the retained parcel.

Haldimand County Emergency Services:

No comments received.

Grand River Conservation Authority:

The GRCA has no objection to the proposed consent application.

Hydro One:

Hydro One’s main concern with application is if the hydro service that currently supplies the house on the property will be affected by the severance (ie. The line feeding the house will now be located within the farmlands once the severance has been completed). The party driving the severance of the property should submit a service request to Hydro One to have the service relocated off the farmland. This is to avoid any future conflicts with the house’s hydro service being located within the farmland. If the existing service line feeding the home is already located within the house properties lot lines after the severance is complete, no action is required.

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, outside settlement area boundaries. While lot creation in prime agricultural area is discouraged, the PPS does allow surplus farm dwelling severance per section 4.3.3.1(c).

4.3.3.1 Lot creation in prime agricultural areas in prime agricultural areas is discouraged and may only be permitted in accordance with the provincial guidance for:

c. one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:

1. the new lot will be limited to a minimum sized needed to accommodate the use and appropriate sewage and water services; and
2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective.

Planning Comment: The proposed surplus farm dwelling lot will generally meet the size criteria noted below and the retained lands will be rezoned to prohibit any further residential development. This will be included as a condition of consent.

It is Planning staff's opinion that the proposed surplus farm dwelling severance meets this section of the PPS and is consistent with 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 lot creation in the "Agriculture" designation shall be discouraged and may only be permitted in limited circumstances. Section 3.A.1) 10 d) states that a severance may be granted for a habitable farm dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling 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. To ensure this, a zoning by-law amendment will be required that specifically excludes a dwelling from being permitted on the retained lands. If the title of the retained parcel is merged with the title of an adjacent farm holding, the zoning by-law amendment to restrict a new residential dwelling on the retained lands will not be required. The creation of the surplus farm dwelling lot will be based on the following:

- i) The severance shall generally be 0.4 hectares (0.99 acres) 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. Consideration of varying the size of the parcel include ensuring farm fields are not fermented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm building and structures;

Planning Comment: The severed lands are approximately 0.80 hectare (2.0 acres) in size. While the proposed severance is larger than the upper limit provided in the OP, the OP does provide some flexibility as it states that the severance shall "generally" be between 0.4 to 0.6 hectares. It is the opinion of Planning staff that the severance generally meets the intent of the OP.

- ii) 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.

- iii) 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 43.23 hectares (106.8 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.

- iv) 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.

- v) 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.

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

Planning Comment: The severed and retained lands will maintain frontage on an existing public road (Broad Road and 4th Line).

- vii) 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 the application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural "(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 0.80 (2.0 acres) in size, the severed lands and retained lands would not qualify for the automatic rezoning process, which prohibits new residential and residential related uses on the retained lands. Accordingly, a Zoning By-

law Amendment application will be included as a condition of consent, if approved, to prohibit future residential 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 8,000 square metres (0.80 hectares) with frontage of 42.49 metres (139 feet), which complies with the ‘Agriculture “(A)”’ Zone provisions in the Zoning By-law.

The General Provisions, specification Section 4.2 of the Zoning By-law permit a maximum accessory structure coverage of 200.0 square metres (2,152.8 square feet). The existing accessory structure is 297 square metres (3,197 square feet), which requires relief of 97 square metres (1,044 square feet).

A concurrent Zoning By-law amendment application has been submitted to prohibit future residential and residential-related uses on the retained lands in accordance with Provincial and County policies and to address the relief required due to the size of the existing accessory structure. A condition will be included with this consent application requiring approval of the Zoning By-law Amendment application.

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 13, 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. Condition Sheet
2. Location Map
3. Detail Map
4. Owners Sketch