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# Haldimand County

## Report PDD-15-2025 Temporary Use By-law to Permit Office Space, Jarvis For Consideration by Council in Committee on June 17, 2025

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### Objective:

To consider a Temporary Use By-law for a period of 3-years to permit office space on the subject lands.

### Recommendations:

1. THAT Report PDD-15-2025 Temporary Use By-law to Permit Office Space, Jarvis be received;
2. AND THAT PLRU-2025-085 to pass the temporary use by-law for a period of three (3) years to June 23, 2028 to permit office space in the existing dwelling on the subject lands be approved for the reasons outlined in Report PDD-15-2025;
3. AND THAT the proposal is deemed to be consistent with the Provincial Planning Statement 2024, and conforms to the Haldimand County Official Plan;
4. AND THAT the by-law attached to Report PDD-15-2025 be approved at a future Council meeting.

**Prepared by:** Shannon VanDalen, MCIP, RPP., Manager, Planning and Development

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

**Approved:** Cathy Case, Chief Administrative Officer

### Executive Summary:

An application has been submitted for consideration of a Temporary Use By-law to permit office space within the existing dwelling on lands located at 2183 Highway 3 in Jarvis. The impetus for the application is to allow for the house that is located on the property to be used as a temporary office location and central administration area of the Norfolk Haldimand Community Hospice (NHCH) organization. The office would provide a temporary home for the organization as it works towards the construction of the new hospice in Jarvis. Once the hospice is built and operational, the office space would be included within the facility and the dwelling would revert back to its residential use. The temporary use to permit the office space would be in effect until June 23, 2028, at that time the office use would cease to be permitted unless an extension was approved by Haldimand County Council.

### Background:

The subject lands are located at 2183 Highway 3 with an approximate area of 0.29 hectares (0.67 acres), and contain an existing single detached dwelling (Attachment 1). The property is located on the north side of Highway 3, between the urban boundary of Jarvis (west), and Haldimand Road 55 (east). Immediately adjacent to the property is a rural industrial farm implement operation (Doughty & Williamson), and agricultural lands. It is noted that the proposed Haldimand Norfolk Community Hospice is to be located north of the subject lands and fronting onto Nanticoke Creek Parkway.

The proposed temporary use zoning amendment will be to permit the existing dwelling to be used as the temporary office of the Norfolk Haldimand Community Hospice (NHCH) organization during the development and construction of the new hospice in Jarvis. The use will utilize the existing access and driveway, with some additional parking being provided in front of the dwelling (Attachment 2). Once the hospice has been constructed in Jarvis, the office space would move into that facility and the dwelling would be used for residential purposes again.

## **Analysis:**

The *Planning Act* is the Provincial legislation that sets out the ground rules for land use planning in Ontario. It sets out Provincial interests, policy statements, planning applications, planning processes and timelines that must be followed.

The *Planning Act* authorizes Council to pass a by-law to authorize the temporary use of land, buildings, or structures for any purpose that is otherwise prohibited by the Zoning By-law. The *Planning Act* requires the temporary use by-law to define the area to which it applies and to specify the period of time for which the authorization shall be in effect, which cannot exceed three (3) years from the day of passing of the temporary use by-law. Prior to expiry of the temporary use by-law, the *Planning Act* authorizes Council to grant extensions for not more than three (3) years per extension. The extension request would be circulated to neighbours for input and feedback, and would require Council's approval. Upon expiry of the temporary use by-law, the use is no longer permitted on the subject lands.

In this case, Council is authorized (should they choose) to pass a temporary use by-law to permit the applicant to permit the use of office space within the existing dwelling for three (3) years (i.e., until June 23, 2028). If Council approves the applicant's request and passes the temporary use by-law, the applicant could submit an application to request an extension to the temporary use by-law; and Council could extend the temporary use by-law for any timeframe up to three (3) years. The applicant could continue to request extensions prior to expiry as the *Planning Act* does not limit the number of times that Council can extend a temporary use by-law, or alternatively the property owner could make a full Zoning Amendment application to consider the use on a permanent basis through the public application process and based on supporting reports and information. Given the plans to construct a hospice in Jarvis which would include an office administration area for the NHCH, a permanent zoning request is not anticipated for this site.

## **Provincial Planning Statement, 2024**

The Provincial Planning Statement (PPS) (2024) is a high level planning document that provides direction on matters of provincial interest related to land use planning, development, and growth. These policy frameworks require the long-term protection of prime agricultural lands. The subject lands are located in the prime agricultural area and as the proposal is temporary in nature, will utilize the existing building, and is generally a non-intrusive use, the request is not anticipated to have significant adverse impacts on the subject lands or adjacent properties.

These policy frameworks are general, as they apply Province wide; they do not drill down into all local circumstances, issues, and policies. This is the function of the Haldimand County Official Plan (OP), and as such, the proposal conforms with the PPS.

## **Haldimand County Official Plan**

The Official Plan (OP) creates the long-term framework for guiding land use changes in Haldimand County to 2051, by protecting and managing the natural environment, directing and influencing growth patterns, and facilitating the vision of Haldimand as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context. Decisions on temporary use by-law applications must conform to the OP.

The subject lands are designated 'Agriculture' and are located in a predominately agricultural area of the County. The OP recognizes that the agricultural resource and land base, and that is an asset that is fundamental to the economic base and rural lifestyle of Haldimand. The intended uses under the Agriculture designation include, agriculture and agricultural related uses, on-farm diversified uses, and limited expansion of existing highway commercial uses, non-agriculturally related industrial uses, and institutional uses.

The OP elaborates on the *Planning Act* legislation and states that Council may enact temporary use by-laws to allow the temporary use of land for the purpose that is otherwise prohibited by the Zoning By-law under the following circumstances:

- a) For unfamiliar or uncommon uses on a trial basis that do not necessarily conform to the policies of the OP; and/or,
- b) For a use where it is known that the use will only be established for a brief period of time.

Further, the OP states that prior to passage of the temporary use by-law, Council shall be satisfied that:

- a) The temporary use permitted is compatible with adjacent uses or alternatively, that appropriate measures to mitigate any adverse impacts are implemented;
  - **Planning Comment:** The proposal is to utilize the existing dwelling, so there will be no visual change or impact for the property. Additionally, the lands to the west contain an existing commercial operation, and the impact of the temporary use for office space is considered to be minimal.
- b) On-site parking is adequate for the use and no adverse impacts on traffic or transportation facilities will result; and,
  - **Planning Comment:** There is an existing access and large driveway for the property that will accommodate the use. There are limited staffing proposed within the facility, and the use is not considered to be a heavy traffic generator.
- c) There is a reasonable probability that the temporary use will cease on or before the expiry of the by-law.
  - **Planning Comment:** The temporary use request is in association with the proposed community hospice, which will contain future office space. The intention for the temporary use is to house the administration component of organization while the development and construction of the proposed hospice takes shape. Once the new hospice facility is completed, the office space at this location will no longer be required and the building can revert to the original residential function.

Based on the foregoing, the temporary land use permissions and temporary use by-law, the proposal is considered appropriate and in conformity with the Haldimand County Official Plan.

### **Haldimand County Zoning By-law HC 1-2020**

The subject lands are zoned "Agricultural (A)" zone. The A zone permits a variety of agriculture and agriculturally-related uses, however an office is not allowed. In order to consider the use of the space for the administration purposes, the subject temporary by-law amendment application has been submitted. The requested use on a temporary basis is considered minor and appropriate, and will aid in the facilitation of the proposed hospice. The use is not anticipated to extend beyond the three (3) year permissions of the Temporary Use legislation, however, if required an extension may be considered.

A Temporary Use By-law has been prepared and included with this report as Attachment 3 for Council to consider.

**Financial/Legal Implications:**

Not applicable.

**Stakeholder Impacts:**

Planning and Development – Development Technologist: No comments or concerns regarding the temporary use.

Comments not received from Ministry of Transportation.

**Report Impacts:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

**References:**

None.

**Attachments:**

1. Subject Lands
2. Property Plan
3. Draft Temporary Use By-law