



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, May 14, 2019**

A meeting of the Committee of Adjustment was held on Tuesday, , 2019 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

**MEMBERS PRESENT:** Chair Paul Brown  
Members Don Ricker  
Brian Snyder  
Brian Wagter  
Carolyn Bowman  
Leroy Bartlett

**MEMBER ABSENT:** John Gould

**STAFF PRESENT:** Supervisor, Development Services Peter Minkiewicz  
Planner Benjamin Kissner  
Secretary-Treasurer Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2019-040	Byron & Cam Hedley	APPROVED
PLB-2019-048	John Gustafson	APPROVED
PLB-2019-051	Robin Laing	APPROVED
PLB-2019-058	Wilbert & Marjorie Slack	APPROVED
PLB-2019-029	Maplerow Farms Inc.	APPROVED

**CONSENTS & RELATED MINOR VARIANCES:**

PLB-2018-198 & PLB-2019-049	Rudy Kazincz	APPROVED
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**MINOR VARIANCES:**

PLA-2019-031	Jeff Wiersma	APPROVED
PLA-2019-036	Zach Brown	APPROVED
PLA-2019-041	June Corman	APPROVED
PLA-2019-043	James W. Haddow	DEFERRED
PLA-2019-046	Donald Nicklin & Nancy Cronkwright	APPROVED
PLA-2019-050	Ryan Joseph Gibbons & Jolene Nicole Gibbons	APPROVED

**DECLARATIONS OF PECUINARY INTEREST:**

None declared

**CONSENTS:**

**A) PLB-2019-040 Byron & Cam Hedley**

Present: Byron Hedley, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling.

Mr. Hedley had no comments or questions.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Byron & Cam Hedley**, to sever a lot containing an existing surplus farm dwelling. **Part Lot 12, South East of Stoney Creek Road, Geographic Township of Seneca, 400 Haldimand Highway 56**

**DECISION: APPROVED**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$294.00 for deed stamping.
  2. That the shared access to the severed and retained lands must be stopped up and closed, separating the residential use from the retained agricultural lands, to the satisfaction of the Planning and Development Division.
  3. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for 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.
  4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 65 metres by 65 metres (213.2 feet by 213.2 feet), containing an area of 0.42 hectare (1.04 acre). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [lfledderus@haldimandcounty.on.ca](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected System:	Coordinate	NAD_1983_UTM_Zone_17N
Projection:		Transverse_Mercator
False_Easting:		500000.00000000
False_Northing:		0.00000000
Central_Meridian:		-81.00000000
Scale_Factor:		0.99960000
Latitude_Of_Origin:		0.00000000
Linear Unit:		Meter
Geographic Coordinate System:		GCS_North_American_1983
Datum:		D_North_American_1983
Prime Meridian:		Greenwich
Angular Unit:		Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2020, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86

**B) PLB-2019-048 John Gustafson**

Present: John Gustafson, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling and attached garage.

Mr. Gustafson noted that there is an error on the meeting agenda. The lot area is incorrect. The lot area should read 0.37 hectare (0.92 acre). The Secretary-Treasurer noted the change.

Leroy Bartlett asked the applicant what is proposed for the existing barn on the property. Mr. Gustafson explained that both the barn and the sea can are to be removed.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **John Gustafson**, to sever a lot containing an existing surplus farm dwelling and attached garage. **Part Lot 4, Concession 1, Geographic Township of Seneca, 720 Concession 1 Road**

**DECISION: APPROVED**

- CONDITIONS:** 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$294.00 for deed stamping.

2. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for 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.
3. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 53.3 metres (175 feet) by 70.1 metres (230 feet) and containing an area of approximately 0.37 hectare (0.92 acre). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [lfledderus@haldimandcounty.on.ca](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

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5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2020, after which time this consent will lapse.

**REASONS:** The proposal , is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86

**C) PLB-2019-051 Robin Laing**

Present: Greg Knight, agent

The proposal is to sever a lot for seasonal residential purposes.

Leroy Bartlett asked staff how drainage issues on the property will be dealt with, to which Benjamin Kissner replied that, through the recommended Condition No.3 for a lot grading plan and the involvement of an engineer in this process, any drainage issues will be properly handled.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Robin Laing**, to sever a lot for seasonal residential purposes. **Lots 93 & 94, Plan 21074, Geographic Township of Walpole, 33 Lakeside Drive**

**DECISION: APPROVED**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$294.00 for deed stamping.
  2. Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
  3. 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. 6407, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
  4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
  5. That a septic evaluation for both the severed and retained parcels be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for 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.
  6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 26.78 metres (87.86 feet) by 33.25 metres (109.09 feet) and will contain an area of approximately 890.44 square metres (9584.62 square feet). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [lfledderus@haldimandcounty.on.ca](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

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8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2020, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan and meets the intent and purpose of the City of Nanticoke Zoning By-law NE 1 2000.

**D) PLB-2019-058 Wilbert & Marjorie Slack**

Present: Omar Aboya, agent  
 Greg Bowman, who works for the company that will be building the facility  
 Mary Petroczy, neighbouring property owner  
 Greg Shipway, neighbouring property owner

The proposal is to sever an irregular shaped parcel of land for future development.

Mr. Bowman, referring to staff's recommendation, explained that deferral of the Committee's decision today may fail the sale of the property. They are meeting with the Ministry of Transportation tomorrow (May 15<sup>th</sup>) to discuss access and urged members to approve the application, subject to MTO's requirements.

Mary Petroczy advised Committee members that she is in favour of the proposal.

Greg Shipway asked staff if there is a site plan for the property. He asked how many stories are proposed. Benjamin Kissner responded that a site plan does not currently exist but that, most likely, the structure will be two stories.

Leroy Bartlett and Don Ricker noted that they were in favour of approval, at this time, subject to access being granted.

Benjamin Kissner advised that if MTO's approval takes more than a year, the consent will lapse.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Wilbert & Marjorie Slack**, to sever a

parcel of land to be used for future development. **Part Lot 14, Concession 12, Geographic Township of Walpole, 107 Main Street South, Hagersville**

**DECISION: APPROVED**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$294.00 for deed stamping.
  2. 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. 6415, for further clarification.
  3. Subject to Ministry of Transportation approval of access to both the severed and retained lands.
  4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 2.4 hectares (6 acres). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [lfledderus@haldimandcounty.on.ca](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:  

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  6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2020, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County

Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86.

**CONSENTS & RELATED MINOR VARIANCES:**

**A) PLB-2018-198 & PLA-2019-049 Rudy Kazincz**

Present: Steven P. Rivers, agent

**Consent application PLB-2018-198 was deferred at the April 9, 2019 Committee of Adjustment at the request of the applicant's agent.** The applicant proposes to sever a lot for residential purposes.

**PLA-2019-049** is a request for relief from the provisions of the RS zone of Zoning By-law 1-DU 80 from the lot area, interior side yard (right) and front yard setback for both the severed and retained parcels.

There was discussion regarding the appearance of an encroachment issue with an abutting property. Committee members generally agreed that this issue should be cleared up through the addition of a condition, attached to their approval.

Mr. Rivers explained that the encroachment has existed for many years and that it can be dealt with outside of this Committee decision.

The Committee made the following decision:

**PLB-2018-198**

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Rudy Kazincz**, to sever a lot for residential purposes. **Part Lot 12, Concession 1, Geographic Township of Sherbrooke, 20 Villella Road**

**DECISION: APPROVED**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$294.00 for deed stamping.
  2. That the encroachment on the east side of the subject lands be rectified, to the satisfaction of Planning and Development staff, prior to the signing of the Certificate by the Secretary-Treasurer.
  3. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  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. 6415, for further clarification.

5. Receipt of final approval of the required minor variance PLA-2019-049). For further information, please contact Planning Staff at 905-318-5932.
6. That an application for a new civic address be submitted for the severed parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 30.48 metres (100 feet) by 45.72 metres (150 feet), containing an area of approximately 0.139 hectares (0.34 acres). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [lfledderus@haldimandcounty.on.ca](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

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Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
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8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2020, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province’s Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Dunnville Zoning By-law 1-DU-80

**PLA-2019-049**

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Rudy Kazincz**, for relief from the provisions of the RS Zone of Zoning By-law 1-DU 80 as shown below:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Lot Area	1,855 square metres (19,967 square feet)	1,390 square metres (4,560.4 square feet)	465 square metres (5,005 square feet)
Front Yard Setback (Parcel 1)	9 metres (29.5 feet)	8.26 metres (27.1 feet)	0.74 metre (2,4 feet)
Front Yard Setback (Parcel 2)	9 metres (29.5 feet)	8.92 metres (29.3 feet)	0.08 metre (0.3 feet)
Interior Side Yard (right)	4.25 metres (13.9 feet)	1.53 metres (5 feet)	2.72 metres (8.9 feet)

**Part Lot 12, Concession 1, Geographic Township of Sherbrooke, 20 Villella Road**

**DECISION: APPROVED**

**CONDITIONS:** 1. That a septic evaluation be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for 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.

**REASONS:** The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU 80; the proposal is minor in nature and does represent appropriate development

**MINOR VARIANCES:**

**A) PLA-2019-031 Jeff Wiersma**

Present: Hank Nauta, agent  
John Summers, neighbouring property owner

The applicant proposes to construct a garage and a covered porch. Relief is requested from the provisions of the Seasonal Residential Zone of Zoning By-law 1-H 86 from the lot area, lot frontage, front yard setback, interior side yard (left), setback for accessory structures and Section 6.21(c).

Mr. Summers explained to the Committee that there have been a number of structures constructed on the right-of-way in the area. Benjamin Kissner responded that Planning staff is not involved in the building permit process but that there are legal processes to resolve that issue.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Jeff Wiersma**, for relief from the provisions of the RS Zone of Zoning By-law 1-H 86 as shown below:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Lot Area	927 square metres (9,978 square feet)	453.9 square metres (4,886 square feet)	473.1 square metres (1,552.2 square feet)
Lot Frontage	18 metres (59 feet)	14.97 metres (49 feet)	3.03 metres (9.9 feet)
Front Yard Setback	9 metres (29.5 feet)	5.5 metres (18 feet)	3.5 metres (11.5 feet)
Interior Side Yard (left)	3 metres (9.8 feet)	2.7 metres (8.8 feet)	0.3 metre (1 foot)
Setback Accessory Structures	1 metre (3.3 feet)	0.4 metre (1.3 feet) on the right side	0.6 metre (2 feet)
Section 6.21 (c)	7.5 metres (24.6 feet)	4.2 metres (13.8 feet).	3.3 metres (10.8 feet)

Construction of a garage and a covered porch are proposed. **Part Lot 38, Plan 9156, Geographic Township of Rainham, 943 Lakeshore Road**

**DECISION: APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
  2. That a septic evaluation be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for 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; and
  3. 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. 6407, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

**REASONS:** The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1-H-86; the proposal is minor in nature and does represent appropriate development

**B) PLA-2019-036 Zach Brown**

Present: Zach Brown, applicant

The applicant proposes to remove an existing dwelling and construct a new one. Relief is requested from the provisions of the Hamlet Residential Zone of Zoning By-law 1-H 86 from the lot area requirements. This relief is required prior to issuance of a building permit.

Mr. Brown asked if he can attach the garage to the proposed dwelling, rather than constructing as a second building.

Peter Minkiewicz responded that the applicant can ask for a deferral and amend the proposal or let the Committee deal with the application, as submitted, today and discuss the amended proposal with the building division to see if the change is possible.

Mr. Brown asked that the Committee deal with the application as submitted.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Zach Brown**, for relief from the provisions of the Hamlet Residential Zone of Zoning By-law 1-H 86 as follows:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Lot Area	1,855 square metres (19,967 square feet)	1,765 square metres (18,998 square feet)	90 square metres (968.8 square feet)

The applicant proposes to remove an existing dwelling and construct a new one. **Part Lots 4 & 5, Plan 216, Geographic Township of Seneca, 29 King Ave.**

**DECISION: APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch; and
  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. 6407, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

**REASONS:** The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and compatible and appropriate with surrounding development

**C) PLA-2019-041 June Corman**

Present: Harald Ensslen

The applicant proposes to construct an addition onto the existing dwelling. Relief is requested from the Agricultural Zone of Zoning By-law NE-1 2000 from the front yard setback and setback for accessory structures.

Mr. Ensslen explained that the existing driveway can accommodate five cars.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **June Corman**, for relief from the provisions of the Agricultural Zone of Zoning By-law NE-1 2000 as follows:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Front Yard Setback	13 metres (42.7 feet)	11 metres (36.1 feet)	2 metres (6.6 feet)
Parking (Section 4.2.3(a))	2 spaces	1 space	1 space

An addition to the existing dwelling is proposed. **Part Lot 21, Concession 1, Geographic Township of Walpole, 100 Blue Water Parkway**

**DECISION: APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch; and
  2. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, for further clarification.

**REASONS:** The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province’s Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and the City of Nanticoke Zoning By-law NE-1 2000. It is also considered minor in nature and compatible and appropriate with surrounding development

**D) PLA-2019-043 James W. Haddow**

Present: James Haddow, applicant

This application is required to recognize existing deficiencies and new deficiencies created by the acquisition of a road allowance by Haldimand County. Relief is requested from the provisions the Seasonal Residential Zone of the Town of Dunnville Zoning By-law 1-DU 80 from Section 6.8(f) Establishment of Accessory Use on the property north of Edgewater Place and from the lot area, front yard setback and interior side yard (left) on the south side of Edgewater Place.

It was noted by Chair Pau Brown that the public notice sign was not posted on the subject lands. The applicant concurred.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **James W. Haddow**, to recognize

existing deficiencies and new deficiencies created by the acquisition of a road allowance by Haldimand County. Relief is requested from the provisions the Seasonal Residential Zone of the Town of Dunnville Zoning By-law 1-DU 80 as follows:

Development Standards	Required	Proposed	Deficiency
<b>North Side Edgewater Place</b> Section 6.8(f)	Main Use to be established prior to Accessory Use	Accessory Structure only	No Main Use (dwelling)
<b>South Side Edgewater Place</b> Lot Area	1,855 square metres (19,967 square feet)	1,471 square metres (15,833.7 square feet)	384 square metres (1,259.8 square feet)
Front Yard Setback	9 metres (29.5 feet)	3.3 metres (10.8 feet)	5.7 metres (18.7 feet)
Interior Side Yard (left)	3 metres (9.8 feet)	1.59 metres (5.2 feet)	1.41 metres (4.6 feet)

**Part Lot 1, Concession 4, South of Dover Road, Geographic Township of Dunn, 522 Edgewater Place**

**DECISION: DEFERRED**

**REASONS:** To allow the application an opportunity to post the public notice sign on the property per the requirements of the *Planning Act*.

**E) PLA-2019-046 Donald Nicklin & Nancy Cronkwright**

Present: Donald Nicklin, applicant

This relief is required as a condition of approval of consent application PLB-2018-209. Relief is requested from the provisions of the Hazard Land and Agricultural Zones of Zoning By-law NE-1 2000 from the maximum permitted building height, Section 3.13, Frontage on an Improved Street and to permit an accessory structure.

Mr. Nicklin had no comments or questions.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of Donald Nicklin and Nancy Cronkwright, for relief from the provisions of the Hazard Land and Agricultural Zones of Zoning By-law NE-1 2000 as shown below:

Development Standards	Required	Proposed	Deficiency
Maximum Building Height	5 metres (16.4 feet)	6.4 metres (21 feet)	1.4 metres (4.6 feet)
Section 3.13 Frontage on Improved Street	Frontage on Public Roadway	Frontage on Private Roadway	Frontage on Public Roadway
Dwelling in Hazard Land Zone	Dwelling not Permitted	Existing Dwelling	

**Part Lot 13, Concession 1, Geographic Township of Walpole, 512 & 514 Southcoast Drive**

**DECISION: APPROVED**

**CONDITIONS:** 1. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not to adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, for further clarification.

**REASONS:** The request is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and City of Nanticoke Zoning By-law NE-1 2000. It is also considered minor in nature and compatible and appropriate with surrounding development;

**F) PLA-2019-050 Ryan Joseph Gibbons & Jolene Nicole Gibbons**

Present: Ryan Joseph & Jolene Nicole Gibbons

The applicants propose to construct an addition to the existing dwelling. The subject lands are zoned Hazard Lands and permission to expand a legal non-conforming use is required prior to issuance of a building permit.

Mr. & Mrs. Gibbons had no comments or questions.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Ryan Joseph Gibbons & Jolene Nicole Gibbons**, for permission to expand a legal non-conforming use to permit the construction of an addition to the existing dwelling

**DECISION: APPROVED**

**CONDITIONS:**

1. The development shall be in accordance with the attached sketch;
2. That a permit, from the Grand River Conservation Authority, be obtained prior to issuance of a building permit; and
3. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting

landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, for further clarification.

**REASONS:** The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and compatible and appropriate with surrounding development.

**PREVIOUSLY DEFERRED:**

**E) PLB-2019-029 Maplerow Farms Inc.**

Present: Jason Cowie, applicant  
Ed McCarthy, solicitor

***This application was deferred at the April 9<sup>th</sup> meeting to allow the applicants time to amend their proposal. The applicants have decided to move forward with the proposal as submitted.*** The applicants propose to sever an irregular shaped lot containing a surplus farm dwelling. A vacant parcel of land will also be created.

Please refer to the minutes from the April 9, 2019 Committee of Adjustment minutes for the history of the property, as described by the applicant's solicitor, Ed McCarthy.

The planning issue that staff has, with the approval of the application, as submitted, is the creation of a vacant parcel, which is not consistent with the Provincial Policy Statement (2014), does not conform to the Haldimand County Official Plan, and does not meet the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86, as constituted. Staff is in favour of the approval of the surplus farm dwelling only.

The application was amended to increase the size of the severed lands, containing the surplus farm dwelling, to include the lands that were intended to be used as a separate, vacant parcel.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Maplerow Farms Inc.**, to sever a lot containing a surplus farm dwelling. **Part Lot 3, Range 3 West of Plan Road, Geographic Township of Seneca, 449 Mines Road**

**DECISION: APPROVED as amended**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$294.00 for deed stamping.
  2. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your



- application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
3. That a septic evaluation for the severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for 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.
  4. That the shared access to the severed lands, retained lands and adjoining residential property must be stopped up and closed separating the newly created surplus farm dwelling lot from the adjoining residential lot and from the retained agricultural lands, to the satisfaction of the Planning and Development Division.
  5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for the retained lands. 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
  6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  7. 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. 6415, for further clarification.
  8. Receipt of confirmation from the owner that a legal entrance to the retained parcel exists prior to the signing of the certificate by the Secretary-Treasurer.
  9. Receipt of a copy of the registered reference plan of the severed parcel, with an approximate frontage of 16 metres (52.5 feet) and an area of approximately 1.64 hectares (4 acres). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [lfedderus@haldimandcounty.on.ca](mailto:lfedderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

**Projected                      Coordinate    NAD\_1983\_UTM\_Zone\_17N**  
**System:**

Projection:                      Transverse\_Mercator  
False\_Easting:                      500000.00000000

False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

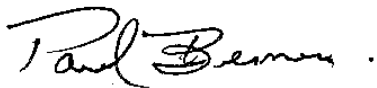
10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 14, 2020, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86.

**OTHER BUSINESS:**

The minutes of the, 2019 meeting were adopted as circulated.

The meeting adjourned at



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Chairman



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Secretary-Treasurer