

# HALDIMAND COUNTY **COMMITTEE OF ADJUSTMENT MINUTES TUESDAY**, July 9, 2019

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

**MEMBERS PRESENT:** Chair Paul Brown

Members Brian Snyder

**Brian Wagter** Carolyn Bowman Leroy Bartlett

**MEMBERS ABSENT:** John Gould

Don Ricker

**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-2019-072	Green Leaf Leasing (III) Ltd.	DEFERRED
PLB-2019-080	Wilfred Westerveld	APPROVED
PLB-2019-083	Brent George Shurr	APPROVED
PLB-2019-089	Robert K. Long	APPROVED
PLB-2019-091	Mark McCutcheon	APPROVED
PLB-2019-093	Brian Morris & Mirjana Cucuz	APPROVED
PLB-2019-094	Chris Houwer	APPROVED
PLB-2019-095	Ed Houwer	APPROVED
PLB-2019-096	Mitchell & Robin Holt	APPROVED

## **MINOR VARIANCES:**

PLA-2019-073	Ken Zantingh	APPROVED
PLA-2019-075	Christine Selzer-Comeau	APPROVED
PLA-2019-078	Volodymyr & Larysa Martyniuk	APPROVED
PLA-2019-081	Mark Smith	APPROVED

PLA-2019-085	Nadia vanOsch	APPROVED
PLA-2019-086	Alan Wright & Mary-beth Ribble	APPROVED
PLA-2019-090	Charles Curtis Church	APPROVED
PLA-2019-092	Sante Zizza	APPROVED

### **DECLARATIONS OF PECUINARY INTEREST:**

None declared.

### **CONSENTS:**

# A) PLB-2019-072 Green Leaf Leasing (III) Ltd.

Present: Arjan Vos, agent

The proposal is to sever a parcel of land as a boundary adjustment.

It was noted by Committee members and staff that the public notice sign was not posted on the property.

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 **Green Leaf Leasing (III) Ltd.**, to sever a parcel of land as a boundary adjustment. **Lots 5 & 6**, **Broken Front Concession**, **Geographic Township of Sherbrooke**, **64 Rock Point Bay Line** 

**DECISION: DEFERRED** 

**REASONS:** To allow the applicant an opportunity to post the public notice sign on the

property per the requirements of the Planning Act.

## B) PLB-2019-080 Wilfred Westerveld

Present: Richard & Aileen Bruining, agents

The proposal is to sever a parcel of land to be added to an abutting farm parcel to the west.

Staff is satisfied that the three acre size is appropriate, due to the location of the accessory structures.

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 **Wilfred Westerveld**, to sever a parcel

of land as a boundary adjustment. Lots 21 & 22, North of Forks Road, Geographic Township of Moulton, 1575 Highway 3

DECISION: APPROVED

### **CONDITIONS:**

- That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$294.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by 1013022 Ontario Inc and further identified as Roll No. 2810-023-002-07100.
- 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 3. That the severed parcels become part and parcel of the abutting lands presently owned by 1013022 Ontario Inc. and further identified as Roll No. 2810-023-002-07100.
- 4. That the accessory structures on the retained lands be reduced so that the total coverage is 200 square metres or less <u>or</u> receipt of final approval of a minor variance for relief for the excess floor area of the accessory structures. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
- 5. Subject to the approval of the Ministry of Transportation, if required.
- 6. 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.
- 7. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
- 8. 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.
- 9. Receipt of a copy of the registered reference plan of the retained parcel, approximately 86.79 metres (285 feet) by 156.25 metres (512.6 feet),

containing an area of approximately 1.22 hectares (3 acres) Also, <u>prior</u> to <u>deed stamping</u>, 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 <u>lfledderus@haldimandcounty.on.ca</u> and <u>astewart@haldimandcounty.on.ca</u>. 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

 That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 9, 2020, after which time this consent will lapse.

**REASONS:** 

The proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019), 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

# C) PLB-2019-083 Brent George Shurr

Present: W. Peter Murray, solicitor

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

Mr. Murray noted that his client, Larry Shurr, will acquire the subject lands prior to the completion of the consent, as per the recommended Condition No. 3.

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 **Brent George Shurr**, to sever a lot containing a surplus farm dwelling. Part Lots 20 & 21, Concession 1, Geographic Township of Rainham, 5506 Rainham 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.

- Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication, have been satisfied. A dedication to the County, of property along the lot frontage/flankage, is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
- 3. Receipt of confirmation that the subject lands, including the proposed severed and retained parcels, have been transferred into the name of Larry Shurr, prior to the signing of the certificate by the Secretary-Treasurer.
- 4. 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.
- 5. 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.
- 6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 66 metres (216.5 feet) by 64 metres (210 feet), containing an area of approximately 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 <a href="mailto:lfledderus@haldimandcounty.on.ca">lfledderus@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. 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:
 -81.0000000

 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

 That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 9, 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-H 86

### D) PLB-2019-089 Robert K. Long

Present: Robert Long, applicant

The proposal is to sever a lot containing a surplus farm dwelling and accessory structures.

Mr. Long 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 Robert K. Long, to sever a lot containing an surplus farm dwelling and accessory structures. Part Lot 12, Concession 2, Geographic Township of Seneca, 321 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. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning Technician, Planning & Development Division at 905-318-5932, ext. 6220 for details.
  - 5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 65 metres (213.3 feet) by 65 metres (213.3 feet), containing an area of approximately 0.422 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 Ifledderus@haldimandcounty.on.ca and 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: 0.0000000 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 July 9, 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

### E) PLB-2019-091 Mark McCutcheon

Present:

The proposal is to sever a parcel of land as a boundary adjustment.

It was noted that the severed lands and the recipient lands will contain approximately 1 ¼ acre.

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 Mark McCutcheon, to sever a parcel of land as a boundary adjustment. Part Lot 7, Concession 15, Geographic Township of Walpole, 517 Concession 14 Road

**DECISION: APPROVED** 

- CONDITIONS: 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$294.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by Kevin John Vos and further identified as Roll No. 2810-332-006-11350, if required.
  - 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
  - That the severed parcels become part and parcel of the abutting lands presently owned by Kevin John Vos and further identified as Roll No. 2810-332-006-11350
  - 4. The shared access must be stopped up and closed, separating the residential use from the retained agricultural lands, to the satisfaction of the Planning and Development Division.
  - 5. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time

of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.

- 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 40 metres (131.2 feet) by 27 metres (88.6 feet), containing an area of approximately 0.11 hectare (0.27 acre). Also, <u>prior to deed stamping</u>, 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 <u>lfledderus@haldimandcounty.on.ca</u> and <u>astewart@haldimandcounty.on.ca</u>. 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:
 -81.0000000

 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 9, 2020, after which time this consent will lapse.

**REASONS:** 

The proposal is consistent with the Provincial Policy Statement 2014, conforms to the Province's Growth Plan, and meets the general intent of the Haldimand County Official Plan and City of Nanticoke Zoning By-law NE-1 2000

## F) PLB-2019-093 Brian Walter Morris & Mirjana Cucuz

Present: W. Peter Murray, solicitor

The proposal is to establish an easement over the existing lands to provide legal access to the property located at 333 Abbey Road, via an existing gravel driveway.

Mr. Murray explained that the request for easement will ease a long standing situation, wherein the lands at 333 Abbey Road will now have legal access.

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 **Brian Walter Morris & Mirjana Cucuz**, to establish an easement to provide access to an abutting property. **Lots 20 & 21**, **River Range**, **Geographic Township of Seneca**, **Abbey Road** 

DECISION: APPROVED

### CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$294.00 for deed stamping.
- 2. That the description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.
- 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 easement, with a frontage of approximately 8 metres (26.2 feet) and a depth of approximately 400 metres (1,312.3 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 <a href="mailto:lfledderus@haldimandcounty.on.ca">lfledderus@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. 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

5. That the above conditions must be fulfilled and the Document for easement be presented for stamping/issuance of the certificate on or before July 9, 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

### G) PLB-2019-094 Chris Houwer

Chris Houwer, applicant Present:

Aaron John McQueen, purchaser

The proposal is to sever a parcel of land as a boundary adjustment.

Staff is recommending approval of the application. There were no questions or concerns.

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 Chris Houwer, to sever a parcel of land as a boundary adjustment. Part Lot 3, Concession 3, Geographic Township of Rainham, 183 Concession 3 Road

**DECISION: APPROVED** 

- CONDITIONS: 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$294.00 for deed stamping.
  - 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
  - 3. That the severed parcels become part and parcel of the abutting lands presently owned by Aaron John McQueen and further identified as Roll # 2810-158-002-59700.
  - 4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
  - 5. 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.
  - 6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 8.6 hectares (21.25 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 emailed to Ifledderus@haldimandcounty.on.ca 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:
 -81.0000000

 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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 9, 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

## H) PLB-2019-095 Ed Houwer

Present: Ed Houwer, applicant

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

Mr. Houwer 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 **Ed Houwer**, to sever a lot containing an existing surplus farm dwelling and accessory structures. **Part Lot 18, Concession 4, Geographic Township of Oneida, 600 4th Line** 

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. The shared access must be stopped up and closed, separating the residential use from the retained agricultural lands, to the satisfaction of the Planning and Development Division.

 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 45.72 metres (150 feet) by 91.44 metres (300 feet) and will contain an area of approximately 0.42 hectare (1.03 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 Ifledderus@haldimandcounty.on.ca and 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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 9, 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

## I) PLB-2019-096 Mitchell & Robin Holt

Present: Al Schouten, agent

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

Planning staff explained that two dwellings are currently permitted under Special Provision 36.1 of the zoning by-law. The special provision is to be repealed as part of the required zoning amendment application.

Leroy Bartlett advised that a condition to repeal the provision should be added to the Committee's decision. Members agreed and Condition No. 3 was added.

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 **Mitchell & Robin Holt**, to sever a lot containing an existing surplus farm dwelling and accessory structure. **Part Lot 17, Concession 1 Northwest of Stoney Creek Road, Geographic Township of Seneca, 434 Greens Road** 

DECISION: APPROVED as amended

# CONDITIONS: 1.

- 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 Special Provision 36.1, which permits two dwellings on the subject lands be repealed.
- 4. That the description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.
- 5. 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.
- 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, with a frontage of approximately 25 metres (82 feet) and an area of approximately 1.36 hectares (3.4 acres) as well as the easement. 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 <a href="mailto:lfledderus@haldimandcounty.on.ca">lfledderus@haldimandcounty.on.ca</a> and <a href="mailto:astewart@haldimandcounty.on.ca">astewart@haldimandcounty.on.ca</a>. 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:
 -81.0000000

 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 9, 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

### **REASONS:**

### **MINOR VARIANCES:**

## A) PLA-2019-073 Ken Zantingh

Present: Ken Zantingh, applicant

The applicant proposes to remove an existing greenhouse and accessory structure and construct a new warehouse/office building. Permission to extend a legal non-conforming use is requested prior to the issuance of a building permit for the proposed construction.

Mr. Zantingh had no questions of comments.

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 **Ken Zantingh**, for permission to expand a legal non-conforming use. **Part Lots 10 & 11**, **Range 2 from Grand River**, **Geographic Township of Moulton**, **192 Inman Road** 

DECISION: APPROVED

**CONDITIONS:** 1. Development shall be in accordance with the attached sketch; and

2. That a permit from the Grand River Conservation Authority be obtained prior

to issuance of a building permit.

**REASONS:** The request is consistent with the Provincial Policy Statement (2014), conforms

to the Province's Growth Plan (2019) and meets the general intent of the Haldimand County Official Plan and Town of Dunnville Zoning By-law 1-DU 80. It is also considered minor in nature and compatible and appropriate with

surrounding development

### **Christine Selzer-Comeau** B) PLA-2019-075

Present: Christing Selzer-Comeau, applicant

The applicant proposes to remove the existing seasonal dwelling and replace it with a new one. Relief is requested from the provisions of Zoning By-law NE-1 2000, from the lot area and the front yard setback for accessory structures.

Ms. Selzer-Comeau submitted a revised sketch showing the proposed parking on the property.

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 Christine Selzer-Comeau, for relief from the provisions of the Vacation Residential Zone of Zoning By-law NE-1 2000 as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Area	930 square metres (10,010 square feet)	696.8 square metres (7,500 square feet)	233.2 square metres (2,510 square feet)
Front Yard Setback for Accessory Structures	9 metres (29.5 feet)	3.65 metres (12 feet)	5.35 metres (17.5 feet)

Lot 24, Plan 21074, Geographic Township of Walpole, 44 Lakeside Drive

DECISION: **APPROVED** 

- **CONDITIONS:** 1. Development shall be in accordance with the attached sketch;
  - 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:**

- 1. The relief requested is consistent with the Provincial Policy Statement (2014), conforms with the Province's Growth Plan, meets the intent and purpose of the City of Nanticoke Zoning By-law NE-1-2000, is minor in nature and represents appropriate development; and
- 2. That the additional relief, from the lot area requirements, added after the mailing of the public notice, be considered minor and no further public notice is required.

### C) PLA-2019-078 **Volodymyr & Larysa Martyniuk**

Present: Volodymyr & Larysa Martyniuk, applicants

The applicants propose to remove the existing garage and replace it with a new one on the existing footprint. Relief is requested from the provisions of the Vacation Residential and Hazard Land Zones of Zoning By-law NE-1 2000 from the front yard setback and interior side yard (right).

Staff has no concerns with the setbacks.

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 Volodymyr & Larysa Martyniuk, for relief from the provisions of the Vacation Residential and Hazard Land Zones of Zoning By-law NE-1 2000 as follows:

Development Standards	Required	Proposed	Deficiency
Front Yard Setback	9 metres (29.5 feet)	4.27 metres (14 feet);	4.73 metres (15.5 feet)
Interior Side Yard (right) (dwelling)	3 metres (9.8 feet)	2.24 feet (7.35 feet)	0.76 metre (2.5 feet)

Plan 39 RCP, Lot 5, Geographic Township of Walpole, 424 South Coast Drive

### DECISION: **APPROVED**

- **CONDITIONS:** 1. The development shall be in accordance with the attached sketch;
  - 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:
  - 3. That a permit from the Long Point Region Conservation Authority be obtained prior to issuance of a building permit; and
  - 4. The accessory structure shall not be used for human habitation.

### **REASONS:**

The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) 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

## D) PLA-2019-081 Mark Smith

Present: Mark Smith, applicant

The applicant proposes to construct an accessory structure on the subject lands. Relief is requested from the provisions of the Vacation Residential Zone of Zoning By-law NE-1 2000 from the required lot area, front yard setback, maximum height, maximum area for accessory structures, Section 3.3(f).

Mr. Smith 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 **Mark Smith**, for relief from the provisions of the Vacation Residential Zone of Zoning By-law NE-1 2000 as shown below:

Development	Required	Proposed	Deficiency
Standards			
Lot Area	930 square metres (10,010.4 square feet)	405.5 square metres (4,364.8 square feet)	524.5 square metres (5,645.7 square feet)
Front Yard Setback	9 metres (29.5 feet)	3.29 metres (10.8 feet)	5.71 metres (18.7 feet)
Maximum Height	4.5 metres (14.8 feet)	6 metres (19.7 feet)	1.5 metres (4.9 feet)
Maximum Area Accessory Structures (includes all)	40.55 square metres (436.5 square feet)	207.2 square metres (2,230.3 square feet)	166.7 square metres (1,793.8 square feet)
Section 3.3(f) Main Use to be Established prior to Accessory Use	Dwelling to be established first	Accessory Use only	No existing dwelling
Section 3.13 Frontage on Improved Street	Frontage on Improved Street	Frontage on Private Roadway	No Frontage on Improved Street

Plan 18072, Part Block A, Geographic Township of Walpole, 33 Hickory Beach Lane

DECISION: APPROVED

**CONDITIONS:** 1. The development shall be in accordance with the attached sketch;

2. The accessory structure shall not be used for human habitation.

**REASONS:** The requested relief is consistent with the Provincial Policy Statement (2014),

conforms with the Province's Growth Plan, meets the intent and purpose of the City of Nanticoke Zoning By-law NE-1-2000, is minor in nature and represents

appropriate development

### E) PLA-2019-085 Nadia vanOsch

Present: Ian vanOsch, agent

Greg Hodgson, neighbouring property owner

The applicant proposes to construct a two storey apartment complex. Relief is requested from the provisions of the R2 Zone of Zoning By-law 1-H 86 from the lot area, lot frontage, interior side yard (right) and rear yard.

Mr. Hodgson noted that the relief from the exterior side yard was not noted on the public notice, to which staff responded that the deficiency was identified after the mailing of the notice. Staff is satisfied that, since the applicant's sketch has not changed, this is considered a minor change. Mr. Hodgson also stated that he doesn't think the requested relief is minor and is concerned that the sight triangle may be compromised depending the type of vehicles owned and parked on the property by the tenants. Staff has no concerns in either regard.

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 Nadia vanOsch, for relief from the provisions of the R2 Zone of Zoning By-law 1-H 86 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Area	650 square metres (6,996.5 square feet)	509.7 square metres (5.486.4 square feet)	140.3 square metres (1,510.2 square feet)
Lot Frontage	21 metres (68.9 feet)	20.28 metres (66.5 feet)	0.72 metre (2.4 feet)
Interior Side Yard (right)	3 metres (9.8 feet)	1.2 metres (3.9 feet)	1.8 metres (5.9 feet)
Exterior Side yard	6 metres (19.7 feet)	4.7 metres (15.4 feet)	1.3 metres (4.3 feet)
Rear Yard	9 metres (29.5 feet)	3.6 metres (11.8 feet)	5.4 metres (17.7 feet)

Lot 11, South of Brant Street, Urban Area of Cayuga, 20 Munsee Street South

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 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 (2019) 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

### F) PLA-2019-086 Alan Wright & Mary-beth Ribble

Present: Alan Wright & Mary-beth Ribble, applicants

A dog specific, jumping pool, for competitions is proposed on the subject lands. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-H 86 for existing deficiencies of front yard setback and setback from kennel area to dwelling on a separate lot and proposed deficiency of rear yard setback for the proposed pool.

The applicants use the subject lands for dog competitions, food drives, etc. and donate to charities.

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 Alan Wright & Mary-beth Ribble, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-H 86 for existing and proposed deficiencies as shown below:

Development Standards	Required	Proposed	Deficiency
Front Yard Setback (existing)	30 metres (8.4 feet)	15.5 metres (50.6 feet)	14.5 metres (47.6 feet)
Setback from Kennel Area to Dwelling on a Separate Lot (existing)	125 metres (410 feet)	85 metres (279 feet)	40 metres (131 feet)
Rear Yard Setback (proposed pool)	30 metres (98.4 feet)	15 metres (49 feet)	15 metres (49 feet)

A dog specific, jumping pool for competitions is proposed on the subject lands.

Part Lot 4, Range West of Plank Road, Geographic Township of Oneida, 5285 Highway 6

### 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 (2019) 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

### G) **Charles Curtis Church** PLA-2019-090

Present: Curtis Church, applicant

Jason Wallhead, neighbouring property owner

This application has been submitted to recognize an existing situation. Relief is requested from the provisions of the R1-A Zone of Zoning By-law NE-1 2000 from the maximum area for accessory structures.

Mr. Church presented a drainage plan that he has had prepared, to fulfill the recommended Condition No. 2. Planning staff explained that the required lot grading plan must be completed by an engineer and that the submitted plan will not be acceptable.

Mr. Wallhead was present, in support of the application, stating that the property is well kept and maintained and advising that there are no drainage issues, to date.

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 Charles Curtis Church, for relief from the provisions of the R1-A Zone of Zoning By-law NE-1 2000 as follows:

Development Standards	Maximum	Proposed	Deficiency
Maximum Area for	55 square metres	64.9 square metres	9.9 square metres
Accessory Structures	(592 square feet)	(698.6 square feet)	(106.6 square feet)

This application has been submitted to recognize an existing situation. Lot 37, Plan 6407, Urban Area of **Jarvis, 13 Davis Street** 

### 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 partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6407 for further clarification regarding required extent/limits. 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 (2019) 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

# H) PLA-2019-092 Sante Zizza

Present: Sante Zizza, applicant

This application has been submitted to recognize existing deficiencies on the subject lands. Relief is requested from the provisions of the R2 Zone of Zoning By-law 1-H 86 from the lot area, lot frontage and interior side yard (right).

Mr. Zizza had no questions or comments.

One Committee member was not in favour of approval as the applicant had obtained a building permit for a single residence and is now converting to a duplex.

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 **Sante Zizza**, for relief from the provisions of the R2 Zone of Zoning By-law 1-H 86 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Area	610 square metres (6,566 square feet)	418.2 square metres (4,501.5 square feet)	191.8 square metres (2,064.5 square feet)
Lot Frontage	20 metres (65.6 metres)	13.72 metres (45 feet)	6.28 metres (20.6 feet)
Interior Side Yard (right)	3 metres (9.8 feet)	1.22 metres (4 feet)	1.78 metres (5.8 feet)

This application has been submitted to recognize existing deficiencies on the subject lands.

Part Lot 11, Concession 1 East of Plank Road, Geographic Township of Seneca, 172

Orkney Street East

DECISION: APPROVED

**REASONS:** The requested relief is consistent with the Provincial Policy Statement (2014),

conforms to the Province's Growth Plan (2019) and meets the general intent of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1 H-86. It is also considered minor in nature and compatible and appropriate

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with surrounding development

## **OTHER BUSINESS:**

The minutes of the June 11, 2019 meeting were adopted as circulated.

The meeting adjourned at 10:30 a.m.