



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, September 10, 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
John Gould
Brian Snyder
Brian Wagter
Carolyn Bowman

MEMBER ABSENT: Leroy Bartlett

STAFF PRESENT: Supervisor Development Services Peter Minkiewicz
Planner Ashley Taylor
Secretary-Treasurer Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2019-124	Kaye Barrick	APPROVED
PLB-2019-129	Doug, Mary-Ann, Jennifer & Heather Peart	APPROVED
PLB-2019-130	Paul John & Nancy Vos	APPROVED

MINOR VARIANCES:

PLA-2019-125	Brandon Ottaway	APPROVED
PLA-2019-127	1906343 Ontario Inc.	APPROVED
PLA-2019-134	Shelley Martin	APPROVED <i>in part</i>
PLA-2019-147	Art & Monika Bluhm	DEFERRED

SIGN VARIANCES:

PLA-2019-135	JRAD Investments Ltd.	REFUSED
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DECLARATIONS OF PECUINARY INTEREST:

None declared

CONSENTS:

A) PLB-2019-124 Kaye Barrick

Present: Brandon Dolce, agent

The proposal is to sever a parcel of land to be purchased and used for beach access by the property owners located on the north side of North Shore Drive.

Mr. Dolce had no questions or comments.

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 **Kaye Barrick**, sever a parcel of land approximately 27.4 metres by 34.46 metres to be purchased and used for beach access by the property owners located on the north side of North Shore Drive. **Lots 7 & 8, Concession 1 from Lake Erie, Geographic Township of Moulton, 2643 Northshore 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. 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.
 3. That the owner's solicitor provide confirmation, to the satisfaction of the Planning & Development Division, that the severed lands will be tied to the benefiting lands on the north side of the road to ensure the severed lands and the benefiting lands, if conveyed in the future, are conveyed together.
 4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 27.4 metres by 34.46 metres. 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 and 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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 10, 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, and conforms to the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU 80

B) PLB-2019-129 Doug, Mary-Ann, Jennifer & Heather Peart

Present: Doug Peart, applicant

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

Mr. Peart explained that he is already working to fulfill the recommended conditions. He also explained that his daughter is currently residing in the dwelling, that he has had poor tenants in the past and wishes to sell the house and garage.

The Planner explained that the recommended Condition No. 7 will ensure that the required 13 metre setback is maintained.

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 **Doug, Mary-Ann, Jennifer & Heather Peart** to sever a lot containing a surplus farm dwelling and detached garage. The severed lands will measure approximately 53.34 metres by 73.15 metres and will contain an area of approximately 0.39 hectare. **Part Lots 14 & 15, Concession 2, Geographic Township of Oneida, 439 First 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. 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 stop up or disconnect the laneway between the severed and retained lands to the satisfaction of Planning Staff.
 4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit to 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.
 5. Receipt of confirmation that electrical service to the barns/buildings on the retained lands, has been installed, at the applicant's expense. Contact Hydro One at 519-426-4446 or 1-866-557-9551, for further information.
 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. That the owner provide a survey illustrating that the rear yard setback is at least 13 metres between the existing single family dwelling and rear lot line.
 8. Receipt of a copy of the registered reference plan of the severed parcel, approximately 53.34 metres by 73.15 metres containing an area of approximately 0.39 hectare. 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 and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 10, 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-2019-130 Paul John & Nancy Vos

Present: Nancy Vos, applicant
Chris Zantingh, adjoining property owner

The proposal is to sever a parcel of land as a boundary adjustment to be added to the abutting lands to the north and south. The severed lands are part of a former rail line.

Mr. Zantingh explained that he will be the recipient of the severed lands.

It was noted by Committee members that the sign was not posted correctly, as it was not visible to the public.

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 **Paul John & Nancy Vos**, to sever a parcel of land as a boundary adjustment. The proposed severed lands, which are part of a former rail line, will measure approximately 1,133.6 metres by 27.4 metres and will be added to the abutting lands to the north and south. **Part Lots 6, 7 & 8, Concession 2, Geographic Township of Canborough, 416 Moote 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 Christopher Zantingh and further identified as Roll #'s 2810-022-003-07800 & 2810-022-003-07810.
 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. That the owner file a Record of Site Condition with the Ministry of Environment, Conservation and Parks and provide proof of filing for the severed lands; or the owner receive approval of a zoning by-law amendment application and provide proof of registration of notice on title to the satisfaction of the County.
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. 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 **three** 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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 1,133.6 metres by 27.4 metres. 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 and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 10, 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

MINOR VARIANCES:

A) PLA-2019-125 Brandon Ottaway

Present: Brandon Ottaway, applicant

The applicant proposes to construct a boathouse on the subject lands. Relief is requested from the provisions of the RS Zone of Zoning By-law 1-DU 80, as amended by 21-DU 89 from the maximum area and maximum height for accessory structures.

The applicant asked for clarification regarding the recommended Conditions 3 & 4. Staff explained that because the roadway is grass only, Emergency Services will require that it be gravelled.

It was noted that, through the building permit process, human habitation of the proposed structure is not permitted.

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 Brandon Ottaway, for relief from the provisions of the RS Zone of Zoning By-law 1-DU 80, as amended by 21-DU 89 as follows:

Development Standards	Required	Proposed	Deficiency
Maximum Size for Total Accessory Structures	55 square metres	160.6 square metres	105.6 square metres
Maximum Height for Accessory Structure	4.5 metres	6.6 metres	2.1 metres

Lots 23, 24 & 35, Plan 49621, Geographic Township of Dunn, 3258 Lakeshore Road

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch.
 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. 6409, if further clarification required.

- Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. Receipt of a letter from the Planning & Development Division and Emergency Services Division indicating that their requirements regarding construction of the private laneway entrance to the accessory structure have been satisfied.
 4. Receipt of a letter from the Planning & Development Division and Emergency Services Division indicating that their requirements regarding access to the proposed garage are satisfied.

REASONS: The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general purpose and intent of the Town of Dunnville Zoning By-law 1-DU 80

B) PLA-2019-127 1906343 Ontario Inc.

Present: Luay Abbas, applicant
Ruth Rae-Hunt, neighbouring property owner

The proposal is to perform auto body repair and sell vehicles originating from the salvage yard on the subject lands, in addition to the existing use as a salvage yard. The proposed uses are not currently permitted under the Agricultural Zone and this relief is required prior to implementation of the proposed uses.

Mr. Abbas had no comments or questions.

Ruth Rae-Hunt asked if the proposed new uses will be taking place inside the building? She is concerned about truck traffic in the area, because of the expansion.

Planning staff responded that, under the zoning by-law, this business is permitted to operate. The owner must comply with the Ministry of Environment and that any complaints should be through that ministry.

Staff is recommending that a maximum of 20 cars, at one time, can be sold 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 **1906343 Ontario Inc.**, to permit auto body repair and vehicle sales originating from the salvage yard on the subject lands, in addition to the existing use as a salvage yard. **Part Lot 6, Concession 1, South of Talbot Road, Geographic Township of North Cayuga, 548 Junction Road**

DECISION: APPROVED

- CONDITIONS:**
1. The auto body shop and vehicle dealership are permitted on the portion of the lands where the salvage yard is permitted as identified in By-laws 7-H-91 and 106-HC-03 (on the south portion of the lot).

2. The auto body shop and vehicle dealership are to be accessory to the salvage yard. A vehicle dealership and auto body shop cannot be operated without the salvage yard operating onsite.
3. All vehicles serviced in the auto body shop must be part of the salvage yard business. The auto body business is not permitted to service outside customer vehicles.
4. A maximum of 20 vehicles are permitted to be available for sale at any one point. The majority of vehicles for sale shall first be processed through the salvage yard and / or auto body shop.
5. The proponent receives approval for a parking plan (or site plan, if necessary) for dealership parking prior to selling cars onsite.
6. Any site alteration or development requires site plan approval prior to altering or developing the site.
7. The uses must be registered with the Ministry of Environment, Conservation and Parks and follow their guidelines for outputs (noise, dust, etc.).

REASONS: The relief requested is consistent with Provincial Policy (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general purpose and intent of the Town of Haldimand Zoning By-law 1-H 86

C) PLA-2019-134 Shelley Martin

Present: Shelly Martin, applicant
Griffin Cobb, joint owner
Hank Nauta, agent

The proposal is to remove the existing dwelling and construct a new dwelling and 2 car garage. Relief is requested from the provisions of the R1 Zone of Zoning By-law 1-H 86 from the front yard and exterior side yard setback requirements.

Mr. Nauta explained that the proposed dwelling is a unique design and although he understands the front yard setback concerns, there are many reasons why the setback cannot be met.

Staff explained that Caithness Street is an arterial road and it is anticipated that this road will continually get busier as many new homes are being constructed. The proposal could lead to a liability for the County with regard to snow removal and road maintenance. Staff can support a minimum of 6 metres for the front yard setback.

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 Shelley Martin, for relief from the provisions of the R1 Zone of Zoning By-law 1-H 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Exterior Side Yard	6 metres (19.69 feet)	1.56 metres (5.12 feet)	4.44 metres(14.57 feet)

Lot 5, Plan 51, Urban Area of Caledonia, 449 Caithness Street East

DECISION: **APPROVED** relief for the exterior side yard requirement only. The relief for the front yard setback is **NOT APPROVED**

- CONDITIONS:**
1. The development shall generally be in accordance with the attached sketch, with amendments made to the front yard setback to comply with the Zoning By-law, to the satisfaction of staff;
 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. 6409, for further clarification; and
 3. Demolition and building permits are obtained.

- REASONS:**
1. The requested relief for the exterior side yard is consistent with Provincial Policy (2014), conforms to the Province's Growth Plan (2019) and Haldimand County Official Plan, and meets the general purpose and intent of the Town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and appropriate for the development of the lands; and
 2. The requested relief for the front yard setback is not considered to meet the general purpose and intent of the Town of Haldimand Zoning By-law 1-H 86.

D) PLA-2019-147 Art & Monika Bluhm

Present: David Roe, agent
Tracey Toews, Tim McCarthy, John & Marilyn Czikk, neighbouring property owners

Relief is requested from the provisions of By-law 1126/HC-19 relating to cannabis production facilities, to allow for expansion of an existing facility where a dwelling exists on the premise.

Chair Paul Brown commented that the required public notice signs were not posted in accordance with the *Planning Act*. The signs were not posted for the required ten day period and one of the signs was not visible from the road.

The concerns from the neighbouring property owners were that the notice was not provided to them in a timely manner and that the notice did not clearly explain the proposal, criminal aspects and odour from the operation.

Planning staff explained that the operation is permitted and that this application is simply to permit the expansion because the property contains a dwelling (which is not permitted). Any concerns regarding smell, etc. should be forwarded to Health Canada. The Committee is not here to decide whether the existing operation is permitted.

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 Art & Monika Bluhm, to allow for the expansion of an existing cannabis production facility where a dwelling exists on the premise.

DECISION: DEFERRED

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

SIGN VARIANCES:

A) PLA-2019-135 JRAD Investments Inc.

Present: Bismark Coca, Pride Signs Ltd., agent

The proposal is to erect a sign, larger than permitted by Section 8.10 of the Haldimand County Sign By-law 1064/10.

Staff is recommending that the requested relief not be granted for reasons noted in the staff report. Staff had requested the sign information during the site plan application process, however, it was not provided. Because of the narrow frontage of the property, the size of the sign is restricted.

Committee members generally agreed with staff's recommendation, having respect for the County's sign by-law as well as safety concerns.

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 JRAD Investments Inc., for relief from the provisions of the Haldimand County Sign By-law No. 1064/10 as shown below:

By-law Section	By-law Requirement	Proposed	Extent of Variance
8.10 Maximum Sign Area	11.90 square metres	15.95 square metres	4.05 square metres over

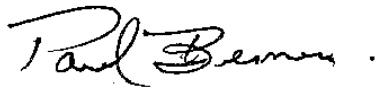
DECISION: REFUSED

REASONS: The relief requested is not consistent with the intent and purpose of the Sign By-law and variance criteria.

OTHER BUSINESS:

The minutes of the August 13, 2019 meeting were adopted as circulated

The meeting adjourned at 11:15 a.m.



Chairman



Secretary-Treasurer