



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, October 15, 2019**

A meeting of the Committee of Adjustment was held on Tuesday, October 15, 2019 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

MEMBERS PRESENT: Chair Paul Brown
Members John Gould
Brian Snyder
Carolyn Bowman

MEMBERS ABSENT: Don Ricker
Brian Wagter
Leroy Bartlett

STAFF PRESENT: Supervisor Development Services Peter Minkiewicz
Planner Alicia West
Secretary-Treasurer Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2019-138	Doris Booker	APPROVED
PLB-2019-139	Allen Booker	APPROVED
PLB-2019-143	David & Debi Nicholson	APPROVED
PLB-2019-144	Melissa & Jason High	APPROVED
PLB-2019-155	VanDerMolen Farms Inc.	APPROVED

MINOR VARIANCES:

PLA-2019-136	Michael & Menlanie Kehl	APPROVED
PLA-2019-141	Ronald Neil & Christina Elizabeth Currie	APPROVED
PLA-2019-145	Chris & Jennifer Long	APPROVED
PLA-2019-146	John Lenahan & Teresa DiGioia	APPROVED
PLA-2019-147	Art & Monika Bluhm	APPROVED
PLA-2019-148	William & Evelyn Goldsmith	APPROVED
PLA-2019-154	James Lockhart	APPROVED
PLA-2019-157	Jeff Wiersma	APPROVED
PLA-2019-158	1108991 Ontario Ltd.	APPROVED

DECLARATIONS OF PECUNIARY INTEREST: None declared

CONSENTS:

A) PLB-2019-138 & 139 Doris Booker & Allen Booker

Present: Doris Booker, applicant
Allen Booker, applicant

The proposal is to sever two parcels of land as boundary adjustments. The intent of the applications is to adjust the lot lines of the lot so that an existing shed on the farm parcel (82 Booker Road) will no longer be encroaching over the property line.

The applicants had no questions or comments.

The Committee made the following decision:

PLB-2019-138

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 **Doris Booker**, to sever a parcel of land as a boundary adjustment. **Part Lot 5, Concession 1, Geographic Township of Moulton, 82 Booker 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 Allen Gordon Booker and further identified as Roll # 2810-023-004-15300.
 4. That a septic evaluation for the proposed new 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. 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.
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 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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 16.46 metres by 40.84 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 lfledder@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 October 15, 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

PLB-2019-139

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 **Allen Booker**, to sever a parcel of land as a boundary adjustment. **Part Lot 5, Concession 1, Geographic Township of Moulton, 82 Booker 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 application PLB-2019-138 be completed (certificate signed and transfer registered) prior to the completion of applications PLB-2019-139.
 3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
 4. That the severed parcel become part and parcel of the abutting lands presently owned by Doris Eva Booker and further identified as Roll # 2810-023-004-15400.
 5. 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.
 6. That a septic evaluation for the proposed new 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.
 7. 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.
 8. 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.
 9. Receipt of a copy of the registered reference plan of the L-shaped severed parcel, with a frontage of approximately 16.46 metres and a depth of 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 Coordinate System:	NAD_1983_UTM_Zone_17N
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Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 15, 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

B) PLB-2019-143 David & Debi Nicholson

Present: Al Proctor, agent

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

Mr. Proctor advised that there are three properties that use the existing access to Bluewater Parkway.

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 **David & Debi Nicholson**, to sever a parcel of land as a boundary adjustment. **Part Lot 23, Concession 1, Geographic Township of Walpole, 184 Bluewater Parkway**

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 Alan Robert

Proctor & Susan Carole Hutchinson and further identified as Roll No. 2810-332-008-12600, if required.

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 Alan Robert Proctor & Susan Carole Hutchinson and further identified as Roll No. 2810-332-008-12600
4. That an easement be established in favour of the land locked property known as 182 Bluewater Parkway and shown on the registered reference plan.
5. That a septic evaluation for retained 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. Receipt of final approval of the required minor variances (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.
7. 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.
8. 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.
9. Receipt of a copy of the registered reference plan of the severed parcel, approximately 5.66 metres by 9.14 metres as well as the easement for access to the land locked property known as 182 Bluewater Parkway. 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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Linear Unit:	Meter
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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 October 15, 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 Nanticoke Zoning By-law NE 1-2000

C) PLB-2019-144 Melissa & Jason High

Present: Jason High, applicant

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

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 **Melissa & Jason High**, to sever a lot containing an existing surplus farm dwelling and accessory structure. **Part Lot 1, 4th Cross Concession, Geographic Township of Moulton, 358 Bird 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 \$350.00 and a fee of \$294.00 for deed stamping.
 2. 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.
 3. 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.

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 confirmation that a separate electrical service has been installed to the barn on the retained lands, at the applicant's expense. Contact Hydro One at 519-426-4446 or 1-866-557-9551, for further information.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 60.96 metres by 64 metres, containing an area of approximately 0.4 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:

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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 October 15, 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

D) PLB-2019-155 VanDerMolen Farms Inc.

Present: Ed McCarthy, applicant's solicitor

The proposal is to sever a lot containing a surplus farm dwelling and garage and establish an easement of the proposed severed lands, in favour of the retained lands.

Mr. McCarthy asked Committee members to remove the staff recommended Conditions 3 and 5. He explained that the applicants have no intention of removing the accessory structures on the property.

Peter advised Committee members, that Condition 3 should not be removed as staff have not yet received comments from MTO. He suggested that the application could be deferred until comments are received. Mr. McCarthy responded that he understood the condition would have to remain.

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 **VanDerMolen Farms Inc.** to sever a lot containing a surplus farm dwelling and garage and establish an easement in favour of the retained lands. **Part Lot 13, Concession 8, Geographic Township of Walpole, 2721 Highway 3**

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 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. Subject to the approval of the Ministry of Transportation, if required.
 4. That all buildings located on the subject lands shall meet the required setbacks.
 5. That the existing electrical service to the accessory structures on the retained lands be removed to the satisfaction of Hydro One. Contact the Hydro One Call Center at (519) 426-4446 and ask for service to be disconnected from the existing CM service.
 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 38.1 metres by 85.34 metres and will contain an area of

approximately 0.325 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:

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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 October 15, 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 Nanticoke Zoning By-law NE-1 2000

MINOR VARIANCES:

A) PLA-2019-136 Michael & Melanie Kehl

Present: Michael & Melanie Kehl, applicants

The applicants propose to construct a garage and covered deck on the subject lands. Permission to expand a legal non-conforming use is requested.

The applicants 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 **Michael & Melanie Kehl**, for permission to expand a legal non-conforming use to permit the construction of a garage and covered deck. **Part Lot 21, Concession 1, Geographic Township of Rainham, 1998 Lakeshore Road**

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. Receipt of a letter from Hydro One to confirm voltages of the above ground electrical conductors per 3.1.19.0 of the Ontario Building Code; and
 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, if required. 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 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) PLA-2019-141 Ronald Neil & Christina Elizabeth Currie

Present: Ronald Currie, applicant

The applicants propose to convert the existing single car garage into living space. Relief is requested from the provisions of the R1-A Zone of Zoning By-law NE-1 2000 from the interior side yards, right and left, requirements.

Mr. Currie 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 **Ronald Neil & Christina Elizabeth Currie**, for relief from the provisions of the R1-A Zone of Zoning By-law NE-1 2000 as follows:

Development Standards	Required	Proposed	Deficiency
Interior Side yard (right)	1.2 metres	0.6 metre	0.6 metre
Interior Side Yard (left)	3 metres	1.92 metres	1.08 metres

Lot 46 & Part Lot 45, Plan 6407, Urban Area of Jarvis, 2037 Main Street South

DECISION: APPROVED

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 Nanticoke Zoning by-law NE-1 2000. It is also considered minor in nature and appropriate development.

C) PLA-2019-145 Chris & Jennifer Long

Present: Chris Long, applicant
Desmond Brady, neighbouring property owner

The applicants have obtained conditional approval to sever the subject lands through Consent application PLB-2019-103. Relief is requested from the provisions of Zoning By-law 1-DU 80

from the lot frontage requirements and from Section 6.25, Minimum Services to permit construction of a dwelling with a private sewage system.

Mr. Long had no comments or questions.

Mr. Brady explained that his property abuts the subject lands. When he purchased his property, he was told, by his real estate agent, that there would be no development on the subject lands and that it would only be used as a woodlot. A number of other neighbours were told the same when they purchased their properties.

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 **Chris & Jennifer Long**, provisions of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Frontage	35 metres	30 metres	5 metres
Section 6.25 Minimum Services	Connection to municipal water and sewer	Municipal Water only Septic system proposed	No municipal sewer connection

Part Lot 7, Plan 1037, Geographic Township of Moulton, 796 Northshore Drive

DECISION: APPROVED

CONDITIONS: 1. 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.

REASONS: 1. 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. It is also considered to be minor in nature and will allow for the appropriate development of the lands.
2. Committee considered oral submissions received on this application, the effect of which helped to make an informed decision.

D) PLA-2019-146 John Lenahan & Teresa DiGioia

Present: John Lenahan, applicant

The proposal is to replace the existing dwelling on the subject lands. Relief is requested from the provisions of the Hamlet Residential and Hazard Land Zones of Zoning By-law 1-DU 80 from the lot area, lot frontage, front yard setback and interior side yard (left) requirements.

Mr. Lenahan had no questions or 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 **John Lenahan & Teresa DiGioia**, for relief from the provisions of the Hamlet Residential and Hazard Land Zones of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Area	1,855 square metres	426.5 square metres	1,428.5 square metres
Lot Frontage	30 metres	12.19 metres	17.81 metres
Front Yard Setback	9 metres	6.93 metres	2.07 metres
Interior side yard (left)	3 metres	0.55 metre	2.45 metres

Part Lot 1, Concession 1 from Lake Erie, Geographic Township of Moulton, 2960 Northshore Drive

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. That the proposed development is approved through the issuance of an NPCA Work Permit. Contact NPCA for further information at 905-788-3135; 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. 6409, 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 Haldimand County Official Plan, and meets the general purpose and intent of the Town of Dunnville Zoning by-law 1-DU 80

E) PLA-2019-147 Art & Monika Bluhm

Present: Art Blum, applicant
Tyson Drehmer
Tracey Toews, neighbouring property owner
Davina Dell, neighbouring property owner

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 premises.

Tracey Toews and Davina Dell explained that they are against the expansion of the facility because of the smell and devaluation of their properties.

Tyson Drehmer explained that there has been lack of education regarding what is permitted. The Federal Government, Health Canada, allows cannabis operations in agricultural areas. This

particular operation is currently in compliance with the regulations and is monitored by Health Canada. He described the odour to be similar to manure. He also explained that they use a carbon filtration system to do the very best they can to reduce the odour. He advised that the odour is worst during harvest time, about four weeks per year only. The facility is top notch with many job opportunities for the County. 150 employees will be hired over the next few months.

Mr. Bluhm stated that he has talked to many of the neighbours and they have not complained of smell

Ashley Taylor explained that new by-laws get tested and changes to the subject by-law could be forthcoming. The expansion will be for indoor growing only.

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**, for relief 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 premises. **Part Lot 24, Concession 14, Registered Plan D-37-5, Geographic Township of Townsend, 41 Townline Road**

DECISION: APPROVED

- CONDITIONS:**
1. The relief for the existing dwelling is applied to the entire property and for any future cannabis operation expansion. Future cannabis operation expansions do not need to be re-approved, provided all other cannabis zone provisions are met;
 2. The applicant receives all required licences from Health Canada;
 3. The applicant receives all required permits from the Long Point Region Conservation Authority (LPRCA);
 4. The applicant receives approval of a site plan or site plan waiver from the County; and
 5. The applicant receives all required permits from the Haldimand County Building & By-law Enforcement Division.

- REASONS:**
1. 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 intent and purpose of the City of Nanticoke Zoning By-law NE 1-2000 and By-law 1126/HC-19.
 2. Committee considered all oral submissions received on this application, the effect of which helped to make an informed decision.

F) PLA-2019-48 William & Evelyn Goldsmith

Present: William Goldsmith, applicant

The applicants propose to replace the existing mobile home on the property. Relief is requested from the provisions of the Town of Haldimand Zoning By-law 1-H 86 to allow the replacement of an existing legal non-conforming use.

Mr. Goldsmith had no questions or 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 **William & Evelyn Goldsmith**, for permission to replace the existing mobile home on the property. **Lots 33 & 34, Concession 1 North of Talbot Road, Geographic Township of North Cayuga, 37 Courish Lane**

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch and can be outside of the original footprint; and
 2. That a septic evaluation be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (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. The proposed mobile home is permitted to be outside of the original footprint.

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 Haldimand Zoning by-law 1-H 86. It is also considered minor in nature and appropriate development of the lands

G) PLA-2019-154 James Lockhart

Present: James Lockhart, applicant

The applicant proposes to remove the existing seasonal dwelling and replace with a new one. Relief is requested from the provisions of the seasonal residential zone of Zoning By-law 1-DU 80 from the required lot area, lot frontage and interior side yards (left & right).

Mr. Lockhart had no questions or 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 **James Lockhart**, for relief from the provisions of the seasonal residential zone of Zoning By-law 1-DU 80 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Area	1,855 square metres	704.64 square metres	1,150 square metres
Lot Frontage	30 metres	7.01 metres	22.99 metres
Interior Side Yard (right)	3 metres	2.73 metres	0.27 metre
Interior Side Yard (left)	3 metres	2.79 metres	0.21 metre

Part Lot 20, Plan 2695, Urban Area of Dunnville, 33 Dover Street

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. The existing accessory structure to be removed prior to removal of the existing dwelling;
 3. The dwelling shall not be used for year round residential purposes;
 4. That the requirements of Hydro One, regarding the location/relocation of the existing plant, be satisfied. Contact Hydro One at (519) 426-4446 for further information;
 5. That a septic evaluation be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (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
 6. 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.

REASONS: The requested relief 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. It is also considered minor in nature and appropriate development of the lands

H) PLA-2019-157 Jeff Wiersma

Present: Hank Nauta, agent

The applicant proposes to construct a garage and covered porch. Under a previous application (PLA-2019-031), relief from the lot area, lot frontage, front yard setback, interior side yard (left), setback for accessory structures and from Section 6.21(c) was granted.

The proposal has changed slightly and further relief is requested from the interior side yard (left) and rear yard provisions.

Mr. Nauta explained that the recommended conditions 2 and 3 (septic evaluation & lot grading) have already been completed.

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 Seasonal Residential Zone of Zoning By-law 1-H 86 as follows:

Development Standards	Required	Proposed	Deficiency
Interior Side Yard (left)	3 metres	1.88 metres	1.12 metres
Rear Yard	9 metres	7.25 metres	1.75 metres

Part Lot 28, 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. (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 requested relief 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 Haldimand Zoning by-law 1-H 86,. It is also considered minor in nature and appropriate development of the lands

I) PLA-2019-158 1108991 Ontario Ltd.

Present: Ken Ganyou, Sco-Terra Consulting Group, agent

A townhouse development, known as Meritage Landing Phase 3A, is proposed on the subject lands. Relief is requested to permit a range of housing types on the property. Relief is requested from By-laws 846/13 & 847/13 from the maximum number of dwellings, lot frontage, exterior side yard, rear yard and maximum projection of porches/covered porches/decks into required rear yard.

Mr. Gagnon asked for clarification regarding the projection of porches relief.

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 **1108991 Ontario Ltd.**, for relief from the provisions of By-laws 846/13 and 847/13 as shown below:

Development Standards	Required	Proposed	Deficiency
Number of Dwellings	40	44	4
Minimum Lot Frontage (corner lot units 16 and 44)	10 metres	9 metres	1 metre

Minimum Exterior Side Yard	6 metres	5 metres	1 metre
Minimum Rear Yard (Units 25 to 44)	7.5 metres	6.2 metres	1.3 metres
Minimum Rear Yard (SE corner)	3.9 metres	2.5 metres	1.4 metres
Maximum Projection of porches/covered porches/decks into required rear yard	1.5 metres	3.05 metres	1.46 metres (Units 16-25) 2.85 metres (Units 25-44)

Plan 1407, Parts Lots 1 & 2, Urban Area of Dunnville, 508 Cross Street West

DECISION: APPROVED

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. The requests are also considered minor in nature and appropriate development of the lands

OTHER BUSINESS:

The minutes of the September 10, 2019 meeting were adopted as circulated.

The meeting adjourned at 10:15 a.m.




Chairman

Acting Secretary-Treasurer