



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, December 17, 2019**

A meeting of the Committee of Adjustment was held on Tuesday, December 17, 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
		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-2019-180	Art & Monika Bluhm	DEFERRED
PLB-2019-181	Art & Monika Bluhm	DEFERRED
PLB-2019-173	Andrei Lissenkov	APPROVED
PLB-2019-176	Huigen Bros. Farms Ltd.	APPROVED
PLB-2019-177	Lorne Frederick Mattice III	APPROVED
PLB-2019-178	Jason & Jana Nagel	APPROVED
PLB-2019-182	Bains Brook Acres Ltd.	DEFERRED
PLB-2019-169	James W. Siddall	APPROVED

MINOR VARIANCES:

PLA-2019-179	Michael & Amanda Marcotte	APPROVED
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DECLARATIONS OF PECUNIARY INTEREST:

None declared

CONSENTS:

A) PLB-2019-180 & 181 Art & Monika Bluhm

Present: David Roe, Civic Planning Solutions, agent
Hank Veurink, neighbouring property owner

The proposal is to sever two parcels of land as boundary adjustments.

Some of the Committee members noted that a public notice sign was not visible for PLB-2019-181. There was discussion regarding the large lot size proposals.

Mr. Roe stated that he was in agreement with a deferral with regard to File PLB-2019-180.

Hank Veruink expressed his concerns with the cannabis operation and the large proposed lot sizes. Mr. Roe explained that the subject applications are not related to the cannabis operation.

The Committee made the following decision:

PLB-2019-180

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 **Art & Monika Bluhm**, to sever a parcel of land as a boundary adjustment. **Part Lot 24, Concession 14, Geographic Township of Townsend, 41 Townline Road**

DECISION: DEFERRED

REASONS: To allow the applicant time to work with staff to provide an alternate proposal that complies with Provincial and local policies

PLB-2019-181

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 **Art & Monika Bluhm**, to sever a parcel of land as a boundary adjustment. **Part Lot 24, Concession 14, Geographic Township of Townsend, 41 Townline Road**

DECISION: DEFERRED

REASONS: To allow the applicants time to amend their proposal to reduce the size of the severed lands.

B) PLB-2019-173 Andrei Lissenkov

Present: Andrei Lissenkov, applicant

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

There was discussion regarding the proposed lot size. Committee members agreed that it is difficult to reduce the proposed size without knowing the location of the existing septic system.

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 **Andrei Lissenkov**, to sever a lot containing an existing surplus farm dwelling and accessory structures. **Part Lot 6, 2nd Cross Concession, Geographic Township of Moulton, 992 Hutchinson 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. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
 3. That a septic evaluation for 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. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6415, for further clarification.
 5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for then retained parcel. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
 7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 60.96 metres by 121.9 metres, containing an area of 0.74 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 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 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

C) PLB-2019-176 Huigen Bros. Farms Ltd.

Present: Kim Hessels, agent

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

Peter Minkiewicz explained that there is an error in the staff report, in the last paragraph, where the report states that the proposal is not in conformity with Provincial and County policies. This paragraph contradicts the information in the "recommendation" portion of the report.

A zoning amendment will be required as a condition of approval. There was discussion on the large proposed lot size. Kim Hessels explained that much of the proposed lot area is unfarmable do to the lands regulated by the conservation authority.

Don Ricker commented that it would be helpful to see where the regulated lands are and it would be useful, in future, to be provided that information.

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 **Huigen Bros. Farms Ltd.** to sever a lot containing a surplus farm dwelling and accessory structures. **Part Lot 3, Concession 4 South of Dover Road, Geographic Township of Dunn, 3063 Lakeshore 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. 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 the requirements of the Grand River Conservation Authority be satisfied, with regard to the location of the existing driveway and confirmation be provided to the Secretary-Treasurer prior to the signing of the certificate.
 4. The shared access to the severed and retained lands from Lakeshore Road 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 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 an application for a new civic address be submitted for the retained parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details. That the requirements of Hydro One, regarding the hydro service to the severed and retained lands, be addressed and confirmation be provided to the Secretary-Treasurer prior to the signing of the certificate.
 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. Receipt of a copy of the registered reference plan of the severed parcel, approximately 129.54 metres by 184.4 metres, containing an area of 1.17 hectares. 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 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-2019-177 Lorne Frederick Mattice III

Present: C. Edward McCarthy, solicitor
Lorne Frederick Mattice III, applicant

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

Carolyn Bowman asked if there is an access to the remaining farm parcel, to which Mr. McCarthy explained that a new entrance will be obtained.

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 **Lorne Frederick Mattice III**, to sever a surplus farm dwelling and accessory structures. **Part Lot 3, Concession 11, Geographic Township of Walpole, 204 Concession 11 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. Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.

3. 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. Confirmation that all of the accessory structures on the retained lands meet the required setbacks or they shall be removed, to the satisfaction of the Building Controls and By-law Enforcement Division. Upon removal, contact the Building Inspector, for an inspection of the property, at 905-318-5932.
5. Confirmation that an additional septic system to the east of the existing dwelling, that once served a mobile home, has been abandoned and is not serving the existing dwelling.
6. That the requirements of Hydro One, regarding the hydro service to the severed and retained lands, be addressed and confirmation be provided to the Secretary-Treasurer prior to the signing of the certificate.
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. Receipt of a copy of the registered reference plan of the irregular shaped, severed parcel, having a frontage of approximately 14 metres and containing an area of approximately 0.51 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	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
9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 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

E) PLB-2019-178 Jason & Jana Nagel

Present: C. Edward McCarthy, solicitor
Jason Nagel, applicant

The proposal is to sever a surplus farm dwelling.

Leroy Bartlett asked how the storage shed will be accessed. Mr. Nagel responded that there will be an access for each of the 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 **Jason & Jana Nagel**, to sever a lot containing an existing surplus farm dwelling. **Part Lot 15, Concession 1, Geographic Township of Rainham, 5034 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.
 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 shared access to the severed and retained lands from Rainham Road must be stopped up and closed, separating the residential use from the retained agricultural lands, to the satisfaction of the Planning and Development Division.
 4. That a new hydro service be connected to the dwelling and confirmation from Hydro One is required prior to the signing of the Certificate.
 5. That an application for a new civic address be submitted for the retained parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
 6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.

7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 67 metres by 60.35 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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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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 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

F) PLB-2019-182 Bains Brook Acres Ltd.

Present: Richard Schilstra, agent

The proposal is to sever an irregular shaped parcel of land as a boundary adjustment. The severed lands will be added to the abutting property, known as 5353 Rainham Road. A church is proposed on the amalgamated property.

It was noted by Committee members that the public notice sign was not posted on the subject lands. The public notice sign is a requirement under the Planning Act.

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 **Bains Brook Acres Ltd.**, to sever a parcel of land as a boundary adjustment. **Part Lot 19, Concession 2, Geographic Township of Rainham, 5365 Rainham Road**

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*. The deferral fee of \$265.00 to be paid before the application is rescheduled for a hearing.

PREVIOUSLY DEFERRED:

A) PLB-2019-169 James W. Siddall

Present: James Siddall, applicant

This application was deferred at the November 12, 2019 meeting to allow the applicant time to post the public notice sign per the requirements of the Planning Act. The applicant proposes to sever a 9.4 hectare parcel of land and add it to an existing lot. A residential lot containing an existing dwelling will be retained.

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 **James W. Siddall**, to sever a parcel of land as a boundary adjustment. **Part Lots 13 & 14, Concession 1, Geographic Township of Moulton, 1098 and 1100 Northshore Drive**

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 James William Siddall & Wendy Elizabeth Siddall and further identified as Roll No. 2810-023-002-15300, 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 James William Siddall & Wendy Elizabeth Siddall and further identified as Roll # 2810023-002-15300.
 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. 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.

5. That a septic evaluation for the 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 a copy of the registered reference plan of the retained parcel, approximately 57.8 metres by 86.33 metres, containing an area of approximately 0.44 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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 17, 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-2019-179 Michael & Amanda Marcotte

Present: No one present

The applicants propose to construct an accessory structure approximately 9.75 metres by 13.71 metres. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 from the maximum height for accessory structures restriction.

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 & Amanda Marcotte**, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Maximum Height Accessory Structures	6.5 metres	7.22 metres	0.72 metre

DECISION: APPROVED

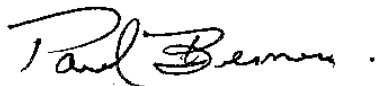
CONDITIONS: 1. The development shall be in accordance with the attached sketch.

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

OTHER BUSINESS:

- a) The minutes of the November 12, 2019 meeting were adopted as circulated.
- b) There was discussion regarding imposing the deferral fee for applications where the public notice sign is not posted and that the Committee should be consistent in imposing this fee.
- c) The secretary-treasurer informed Committee members of an appeal received for File PLB-2018-162, from the November 12, 2019 meeting.

The meeting adjourned at 10:10 a.m.



Chairman



Secretary-Treasurer