



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, February 11, 2020**

A meeting of the Committee of Adjustment was held on Tuesday, , 2020 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 Justin Miller  
Planner Benjamin Kissner  
Secretary-Treasurer Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2019-153 Dick & Elizabeth Devries APPROVED

PLB-2019-200 Wayne Fleming & Charlene Whyte APPROVED

**MINOR VARIANCES:**

PLA-2020-004 Gregory & M. Pamela Hedley APPROVED

PLA-2019-194 McClung Properties Ltd. APPROVED

**DECLARATIONS OF PECUINARY INTEREST:**

None declared.

**CONSENTS:**

**A) PLB-2019-153 Dick & Elizabeth Devries**

Present: Nick Dyjach, Statec Engineering Services

The applicants propose to sever a parcel of land approximately 613 metres by 213 metres. An industrial liquid asphalt storage and facility is proposed on the severed parcel.

The planner explained to Committee members that through research and a site selection process, this property was chosen due to its close proximity to the oil refinery and rail lines.

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 **Dick & Elizabeth Devries**, to sever a parcel of land to be used for liquid asphalt storage. **Part Lot 5, Concession 3, Geographic Township of Walpole**

**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 \$301.00 for deed stamping.
  2. That an application for a new civic address be submitted for the severed parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
  3. That proof be provided to the Building Controls and By-law Enforcement Division, that the ground mounted solar trackers meet the minimum required yard setbacks. Contact the Building Controls and By-law Enforcement Division at 905-318-5932 for further details
  4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 613 metres by 213 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](mailto:lfledder@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate 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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 11, 2021, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province’s Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the City of Nanticoke Zoning By-law NE-1 2000.

**B) PLB-2019-200 Wayne Fleming & Charlene Whyte**

Present: Wayne Fleming, applicant

The applicants propose to sever a lot containing a surplus farm dwelling and accessory structures.

It was noted that the severed lands contain a number of accessory structures.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Wayne Fleming & Charlene Whyte**, to sever a lot containing a surplus farm dwelling and accessory structures. **Part Lot 6, Concession 4, Geographic Township of Rainham, 335 Haldimand Road 12**

**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 \$301.00 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. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for the retained lands. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
4. That a septic evaluation for severed parcel be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
5. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 71 metres by 88.4 metres, containing an area of approximately 0.63 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](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected	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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 11, 2021, after which time this consent will lapse.

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province’s Growth Plan (2019) conforms to the Haldimand County Official Plan and meets the criteria and intent of the Town of Haldimand Zoning By-law 1-H 86.

**MINOR VARIANCES:**

**A) PLA-2020-004 Gregory & M. Pamela Hedley**

Present: Gregory Hedley, applicant

The applicants propose to construct a two storey accessory structure. Relief is requested from the provisions of the RH Zone of Zoning By-law 1-DU from the maximum permitted height and side yard setback for accessory structures.

Mr. Hedley explained that the reason for the application was that the definition of height changed in the zoning by-law and although he had previously received approval for the proposed construction, the approvals were not grandfathered into the zoning by-law.

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 **Gregory & M. Pamela Hedley**, for relief from the provisions of the RH Zone of Zoning By-law 1-DU 80 as shown below:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Maximum Height for Accessory Structures	5.2 metres	7.47 metres	2.27 metres
Minimum Side Yard Setback For An Accessory Use	1.5 metres	1.45 metres	0.05 metres

**Part Lot 24, Concession 4, South of Dover Road, Geographic Township of Dunn, 41 Lighthouse Drive**

**DECISION: APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
  2. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification; and
  3. That a permit be obtained from the Grand River Conservation Authority

**REASONS:** The relief requested is consistent with Provincial Policy (2014), conforms to the Province's Growth Plan (2019) and Haldimand County's 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

**B) PLA-2019-194 McClung Properties Ltd.**

Present: Maria Jones, Armstrong Planning, agent

***This application was deferred at the January 21<sup>st</sup> Committee of Adjustment meeting to allow the applicant an opportunity to post the public notice sign on the property per the requirements of the Planning Act.*** Relief is requested from the provisions of the Neighbourhood Commercial Zone of Zoning By-law NE-1 2000, as amended by 875-HC/14 from the front yard setback, maximum permitted commercial area, maximum permitted retain area, required landscape buffer and a request to deem McClung Road as the front yard.

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 **McClung Properties Ltd.**, for relief from the Neighbourhood Commercial Zone of Zoning By-law 1 H-86, as amended by 875-HC/14 as shown below:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Front Yard Setback	3 metres maximum from McClung Road	5.7 metres & 10 metres	2.7 metres & 7 metres
Maximum Commercial Area	1,200 square metres	1,883 square metres	683 square metres
Maximum Retail Area	360 square metres	943 square metres	583 square metres
Landscape Buffer	Grass only	Grass & Concrete	Concrete
That the front yard be deemed as McClung Road (not Oaktree Drive)			

**Lot 142, Plan 18M-58, Urban Area of Caledonia, McClung Road**

**DECISION: APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
  2. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, for further clarification; and
  3. That a permit be obtained from the Grand River Conservation Authority

**REASONS:** The relief requested is consistent with Provincial Policy (2014), conforms to the Province’s Growth Plan (2019) and Haldimand County’s 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


**OTHER BUSINESS:**

The minutes of the January 21, 2019 meeting were adopted as circulated.

There was discussion on the Haldimand County staff’s upcoming move to the new administration building, new Council Chambers, pick up of meeting materials, etc.

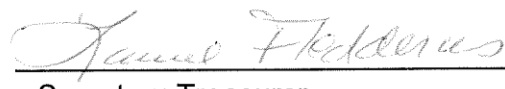
Next month’s meeting will be held at the administration building on Munsee Street, with the April meeting proposed to be held at the new building.

The meeting adjourned at 10:30 a.m.



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Vice-Chairman



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Secretary-Treasurer