



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, NOVEMBER 10, 2020**

A meeting of the Committee of Adjustment was held on Tuesday, November 10, 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
	Leroy Bartlett

STAFF PRESENT:

Supervisor Development Services	Peter Minkiewicz
Planner	Alicia West
Secretary-Treasurer	David Scott

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2020-129	Eric Loney	APPROVED
PLB-2020-130	Eric Loney	APPROVED
PLB-2020-132	Frank Wiseman	APPROVED
PLB-2020-139	Sheppard Bros. Ltd.	APPROVED

MINOR VARIANCES:

PLA-2020-133	James Rodney Lockhart	APPROVED
PLA-2020-137	You Zheng Wu	APPROVED
PLA-2020-139	David and Pamela Bergin	APPROVED

DECLARATIONS OF PECUINARY INTEREST: None declared.

CONSENTS:

A) PLB-2020-129 & PLB-2020-130 Eric Loney

Present: Eric Loney, applicant
Susan Samuel-Herter, agent

The proposal is to sever two lots for residential purposes. The severed lands in application **PLB-2020-129** will measure approximately 48.27 metres (158.4 feet) by 64.05 metres (210.1 feet) and will contain an area of approximately 0.304 hectares (0.75 acres). The severed lands in application **PLB-2020-130** will be an irregular shaped parcel with a frontage of approximately 48.06 metres (157.7 feet) and will contain an area of approximately 0.6304 hectares (1.56 acres).

No comments from applicants. Member Bartlett asked if the sign had been put up. Applicant confirmed yes.

The Committee made the following decision:

PLB-2020-129

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 **Eric Loney**, to sever a lot for residential purposes. The severed lands will measure approximately 48.27 metres (158.4 feet) by 64.05 metres (210.1 feet) and will contain an area of approximately 0.304 hectares (0.75 acres). **Concession 1, Part Lots 15 and 16, Geographic Township of Walpole, known municipally as 771 South Coast 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 \$250.00 and a fee of \$301.00 for deed stamping.
 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; and
 3. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact the Planning &

Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.

4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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 Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. That an application for a new civic address be submitted for the retained and severed 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 0.304 hectares (0.75 acres). Also, **prior to the signing of the certificate**, 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 dscott@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 November 10, 2021, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

PLB-2020-130

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 **Eric Loney**, to sever two lots for residential purposes. The severed lands will be an irregular shaped parcel with a frontage of approximately 48.06 metres (157.7 feet) and will contain an area of approximately 0.6304 hectares (1.56 acres). **Concession 1, Part Lots 15 and 16, Geographic Township of Walpole, known municipally as 771 South Coast 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 \$250.00 and a fee of \$301.00 for deed stamping.
 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; and
 3. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
 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 0.6304 hectares (1.56 acres). Also, **prior to the signing of the certificate**, 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 dscott@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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 10, 2021, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

B) PLB-2020-132 Frank Wiseman

Present: Frank Wiseman, applicant
Paul Rushton, agent

The proposal is to sever a 18.8 hectare (46.5 acres) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands to the east.

The agent stated that he would not like to amalgamate the properties, as recommended in the planning report, as it would create problems for him in a financial way. The planner said that it is the best solution, as the benefitting parcel is landlocked, which is not permitted in the Planning Act. An zoning by-law amendment would have to be a condition of consent to prevent the construction of a dwelling on the newly configured parcel, given the landlocked status of the

benefitting property, should the committee decide to drop the condition of merging the properties.

Member Bartlett asked if there was an access easement for the landlocked parcel over the adjoining property owned by the agent. The agent responded by saying that there wasn't one at the present time. Member Ricker asked whether the freezing of residential uses on the newly formed property would hamper the agents ability to sell it in the future. The planner stated that she did not believe so, as it was a standard condition. She added that an additional condition would need to be added deeding a one foot square of the benefitting property to the County, allowing the merging of the two parcels.

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 **Frank Wiseman**, to sever a 18.8 hectare (46.5 acres) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands to the east. **Concession 2, Part Lot 2, Registered Plan 18R-2885 Parts 1-11, Geographic Township of Rainham, known municipally as 132 Concession 3 Road**

DECISION: **APPROVED as amended (Original Condition 2 removed, new Condition 2 and 3 added)**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, and a fee of \$301.00 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 Paul Rushton and further identified as Roll No. 2810-158-002-56100, if required.
 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 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.

4. That the severed parcel becomes part and parcel of the abutting lands presently owned by Paul Rushton and further identified as Roll # 2810-158-002-56100.
5. Receipt of confirmation that the subject severed lands have been transferred into the name of Paul Rushton, prior to the signing of the certificate by the Secretary-Treasurer.
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 18.8 hectare (46.5 acres). Also, **prior to the signing of the certificate**, 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 dscott@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 November 10, 2021, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

C) PLB-2020-139 Sheppard Bros. Ltd.

Present: Ed McCarthy, agent

The proposal is to sever a lot containing an existing surplus farm dwelling and five accessory structures. The irregular-shaped severed lands will have frontage of approximately 50.2 metres (164.7 feet) and will contain an area of approximately 0.94 hectare (2.32 acres).

The agent stated that the applicant does not want to leave the accessory buildings with the farm parcel as they are too small for their needs. Additionally, they do not want to tear them down as they are in good shape. The agent continued by saying that any new owners would keep the structures in better shape than they would be able. He concluded by saying that reducing the lot size would not be cost effective, and the additional land would not add any viability to the farm.

Member Bowman asked if the well supplies water to the house. The agent responded by saying that he was not sure, but that it was unlikely. Member Bartlett said that it would be a shame to tear down the accessory structures, as they were in good shape, even though doing so would lend to saving additional farmland, which is a goal of the by-laws. He wanted more clarification as to the proposed lot lines; despite this, he was in support of the application. The agent said that the lines in the County's mapping was correct, and that the shed in the northwest corner of the proposed lot would have to be torn down so as not to straddle the proposed rear lot line. Member Ricker said that even though the accessory structures were in good shape, they should be torn down due to their location to stay within the 0.6 hectare (1.5 acre) limit; and he doubted that a new owner would maintain the good condition of the structures.

The agent confirmed that the yellow notification sign was put up on October 31, answering the concerns of staff and committee members that it was not up during their site inspections. Member Bowman asked for the planner to speak on the concerns that the agent raised during his presentation. The planner stated that staff want to be consistent in following the requirements of the by-law in approving such severances; and that, in staff's opinion, the reasons provided for maintaining the lot size as proposed were not sufficient to support the request. A deferral was being requested for the applicant to work with staff to find ways to reduce the lot size. Further to this, staff was of the opinion that the barns should remain with the farm, and that there was no justification for having these structures tied to a residential use. The agent reiterated the applicant's concerns about keeping the barns with the farm parcel. Chairperson Brown asked how the applicant would access the farm, if the severance was approved. The agent said that a culvert and entrance permit would be applied for.

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 **Sheppard Bros. Ltd.**, to sever a lot containing an existing surplus farm dwelling and five accessory structures. The irregular-shaped severed lands will have frontage of approximately 50.2 metres (164.7 feet) and will contain an area of approximately 0.94 hectare (2.32 acres). **Concession 2, Part lots 16 and 17, Geographic Township of Rainham, known municipally as 5189 Rainham Road**

Motion to defer application : DEFEATED (2 votes to 5 votes)

DECISION: APPROVED (5 votes to 2 votes)

- 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. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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 Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 3. 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.
 4. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6220 for details.
 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 0.94 hectare (2.32 acres). Also, **prior to the signing of the certificate**, 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 dscott@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 November 10, 2021, after which time this consent will lapse.

REASONS: The committee believes, in their opinion, that the proposal conforms to the intent of the Official Plan and Zoning By-law.

MINOR VARIANCES:

A) PLA-2020-133 James Rodney Lockhart

Present: James Lockhart, applicant

The proposal is to request relief from the interior side yard (left and right) and rear yard provisions of the Seasonal Residential (RS) Zone of Town of Dunnville Zoning By-law 1-DU 80. The required relief is to allow for the construction of a wrap-around deck on the existing dwelling. This application is to satisfy a condition of Consent Application PLA-2019-154.

Applicant has no comment. Member Bowman asked to the reason to the oversight. The planner stated that it was not shown on the zoning deficiency form, so it was not brought forward originally. No fee was incurred as it was a County error being addressed

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 Rodney Lockhart**, to request

relief from the interior side yard (left and right) and rear yard provisions of the Seasonal Residential (RS) Zone of Town of Dunnville Zoning By-law 1-DU 80. The required relief is to allow for the construction of a wrap-around deck on the existing dwelling. **Plan 2695, Part Lot 20, Geographic Township of Dunn, known municipally as 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 proposal is consistent with the Provincial Policy Statement (2020), 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 Dunnville Zoning By-law 1-DU 80.

B) PLA-2020-137 You Zheng Wu

Present: Dillon Wu, representative of applicant

The proposal is to request relief from the building height provisions of the Agricultural (A) Zone of Town of Dunnville Zoning By-law 1-DU 80. The required relief is to allow for the construction of a three-storey dwelling on the property.

No comment from representative or committee.

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 **You Zheng Wu**, to request relief from the building height provisions of the Agricultural (A) Zone of Town of Dunnville Zoning By-law 1-DU 80. The required relief is to allow for the construction of a three-storey dwelling on the property. **Concession South of Fork Road, Part Lot 20, Plan 3339, Geographic Township of Moulton, known municipally as 1616 Highway 3**

DECISION: APPROVED

- CONDITIONS:**
1. The proposed development will be constructed substantially in accordance with the attached sketch;
 2. That the existing dwelling be removed to the satisfaction of Haldimand County Building Controls and By-law Enforcement Division;
 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; and
 4. Receipt of a letter from the Engineering & Capital Works Division indicating that their requirements, regarding a drainage re-apportionment agreement, 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. 6424, for further clarification.

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), 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 Dunnville Zoning By-law 1-DU 80.

C) PLA-2020-140 David and Pamela Bergin

Present: David Bergin, applicant

The proposal is to request relief from the front yard setback, interior side yard (right) provisions (for Part 1), as well as the front yard setback and rear yard setback provisions (for Part 2) of the Hamlet Residential(RH) Zone of Town of Dunnville Zoning By-law 1-DU 80. This application is to satisfy a condition of Consent Application PLB-2020-040.

No comment from applicant. Member Ricker believes that this application is a good fit for the community.

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 **David and Pamela Bergin**, to request relief from the front yard setback, interior side yard (right) provisions (for Part 1), as well as the front yard setback and rear yard setback provisions (for Part 2) of the Hamlet Residential(RH) Zone of Town of Dunnville Zoning By-law 1-DU 80. **Concession 1 from Canborough, Part Lot 21, Reference Plan 18R-23 Part 36, Geographic Township of Moulton, known municipally as 35 Oswego Park Road**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), 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 Dunnville Zoning By-law 1-DU 80.

OTHER BUSINESS:

The minutes of the October 20, 2020 meeting were adopted as presented.

The meeting adjourned at 10:20 am.



Chairman



Secretary-Treasurer