



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, March 9, 2021**

A meeting of the Committee of Adjustment was held on Tuesday, March 9, 2021 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:	Planner	Justin Miller
	Planner	Ashley Taylor
	Planner	Alicia West
	Manager, Planning and Development	Shannon Van Dalen
	Secretary-Treasurer	David Scott

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2020-034	Wilfred & Fiona Westerveld	DEFERRED
PLB-2020-182	James Neil McCallum	APPROVED
PLB-2020-190	Janice Elgersman and Mike Christensen	DEFERRED
PLB-2020-193	William Earl and Donna Janette Stadder	APPROVED
PLB-2021-008	Matt and Ruth Visser	APPROVED
PLB-2021-010	Ryan and Judy Schuurman	DEFERRED

MINOR VARIANCES:

PLA-2020-149	Oscar Jose, Emyrose and Steve Maurice	REFUSED
PLA-2020-189	John and Keitha Lindstead	DEFERRED
PLA-2020-195	Bert and Veronica Meritz	DEFERRED
PLA-2021-004	Chris Dalpetz	APPROVED

PLA-2021-006	Dale Furze	APPROVED
PLA-2021-007	Danny Finoro	APPROVED
PLA-2021-011	Sharon Hart, Steve and Robert Kennish	APPROVED

DECLARATIONS OF PECUINARY INTEREST: Member Wagter declared a conflict over PLB-2021-030, PLA-2021-031 and PLA-2021-032 (HML Holdings)

CONSENTS:

A) PLB-2020-190 Janice Elgersman and Mike Christensen

Present: Kim Hessels, agent

The application proposes to sever an approximately 3.71 hectare (9.17 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands 351 1st Line to add property to the benefitting lands.

The agent has stated that the size of the property was corrected in the report. Member Ricker asked if a record of site inspection was covered in the conditions. The planner said that it was.

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 **Janice Elgersman and Mike Christensen**, to sever an approximately 3.71 hectare (9.17 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands 351 1st Line to add property to the benefitting lands. **Concession 2, Part Lots 13 to 16, Geographic Township of Oneida, no current civic address**

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 \$308.00 for deed stamping.
 2. That a Record of Site Condition be submitted to the Planning and Development Division prior to the signing of the certificate. Alternatively, the County will accept evidence from a qualified professional that any associated site remediation process has been initiated along with a commitment to a completion date for the Record of Site Condition process. Alternatively, the applicant may re-zone the

subject lands (severed and retained) to allow for access purposes only – this process can take up to 6 months to complete, and the applicant should contact a planner as soon as possible. Contact the Planner at 905-318-5932 for further clarification.

3. 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.
4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 3.71 hectares (9.17 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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 9, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law HC-1 2020.

B) PLB-2020-193 William Earl and Donna Janette Stadler

Present: Ed McCarthy, agent
William and Donna Stadler, applicant

Roger Cocking, neighbour

The application proposes to sever an approximately 0.04 hectare (0.09 acre) parcel as a boundary adjustment. The severed lands will be amalgamated with the abutting lands to the west (5184 Rainham to add property to the benefitting lands. The application is also asking for a Validation of Title for the properties at 5184 Rainham and 5188 Rainham Road so that the subject parcel are in line with the requirements as per Section 57 of the *Planning Act*.

The agent gave further explanation of the severance history of the properties in relation to how they were severed and the reasoning for a Validation of Title. Further to this, he explained the justification of the boundary line given its shape. The resulting adjustment will bring the property in line with the zoning by-law. LB asked for a verification of the purchase history, and asked when the house was built. The agent said that it was started in the 1960s, but has been added to right through until the 1990's. LB further asked how was the house built so close to the property line, and made reference to a gas line that crossed the property line. The agent stated that the road widening destroyed the original severance, creating the existing situation.

The neighbour alluded to a drain that goes from Parcel 1 and Parcel 2 that is not shown on the mapping. He also asked where the access is for Parcel 2. He was concerned what access would be like in the event that one parcel was sold. He wanted clarification as to the nature of the application. The planner stated that the purpose is to recognize existing properties, and that both properties would have adequate frontage, but this will be verified by a survey, and if there is a deficiency, this can be addressed in the future. The BA will bring the side yard setback to compliance with the zoning by-law.

DR asked parcel should have entrance. The planner stated that because no new development is being proposed, there is no need for an entrance or drainage condition to be included.

The agent brought to the attention of the committee an existing hydro easement that was not included in the original application, and is asking the Committee that they include this in their application. The planner asked the agent who would be the owner of the easement. The agent stated that it would be in a different name. LB asked what would be the result if the land over which the easement is located is sold, and how it would be addressed if a building permit is needed, and how it would affect frontage. The agent said that it would be registered on title, so any buyer would be aware of the existence of it, and the building would likely be further back, and not affected by the easement.

The Committee made the following decision:

PURSUANT to Subsections 53(1) and 57 of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **William Earl and Donna Janette Stadder**, to sever an approximately 0.04 hectare (0.09 acre) parcel as a boundary adjustment. The severed lands will be amalgamated with the abutting lands to the west (5184 Rainham to add property to the benefitting lands. The application is also asking for a Validation of Title for the properties at 5184 Rainham and 5188 Rainham Road so that the subject parcel are in line with the requirements as per Section 57 of the Planning Act. **Concession 1, Part Lot 17, Geographic Township of Rainham, known municipally as 5181 and 5184 Rainham Road**

DECISION: APPROVED, as amended (Addition to Condition 2)

- 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 \$308.00 for deed stamping.
 2. Receipt of confirmation that an easement or the relocation of existing hydro lines, at the applicant's expense, has been completed (Contact Hydro One at 1-888-664-9376, for further information), or that an easement is registered on title of the retained lands.
 3. 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.
 4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.04 hectare (0.09 acre). 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
 5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 9, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law HC-1 2020.

C) PLB-20201-008 Matt and Ruth Visser

Present: Matt and Ruth Visser

The applicants propose to sever a vacant lot for residential purposes. The severed lands will measure approximately 20.22 metres (66.34 feet) by 25 metres (82 feet) and will contain an area of approximately 467.79 square metres (5,035 square feet). The retained parcel lands will measure approximately 20.22 metres (66.34 feet) by 25 metres (82 feet) and will contain an area of approximately 467.79 square metres (5,035 square feet).

The applicants wanted to clarify that the total area should be 505 square metres for both. This is concurred to by staff. JG suggested the a condition should be added to demolish the accessory structure. Applicants agreed to this

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 **Matt and Ruth Visser**, to sever a vacant lot for residential purposes. The severed lands will measure approximately 20.22 metres (66.34 feet) by 25 metres (82 feet) and will contain an area of approximately 467.79 square metres (5,035 square feet). The retained parcel lands will measure approximately 20.22 metres (66.34 feet) by 25 metres (82 feet) and will contain an area of approximately 467.79 square metres (5,035 square feet). **Lot 18 South of Tuscarora, Urban Area of Cayuga, known municipally as 1 Tuscarora Street West**

DECISION: **APPROVED as amended**

- 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 \$308.00 for deed stamping.
 2. Receipt of final approval of the required minor variance application. (Minor variance applications can take three or four months, therefore, you application must be submitted as soon as possible). For more information, please contact planning staff at 905-318-5932 ext. 6201.
 3. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the further issuance of an

entrance permit for the severed and 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 Roads Operations Division Support Staff at 905-318-5932 ext. 8601 for details.

4. Proof that the Owners have installed a driveway for the retained lands in accordance with the Zoning By-law requirements to accommodate parking. Prior to installing a driveway, a plan should be provided to staff for review and should be shown on the grading plan. For more information, please contact planning staff at 905-318-5932 ext. 6201.
5. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading and servicing plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading and servicing 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. 6413, if further clarification is required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
6. That the applicant enter into a an agreement with Haldimand County regarding the required lot grading plan. Contact Ashley Taylor, Planner at the Planning & Development Division at 905-318-5932 ext. 6201 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.
7. That the accessory building located on the severed lands be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
8. That an application for a new civic address be submitted for the severed parcel. Contac the Planning & Development Division at 905-318-5933 ext. 6220 for details.
9. 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.

10. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 20.22 metres (66.34 feet) and will contain an area of approximately 505 square metres (5,436 square feet). 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	NAD_1983_UTM_Zone_17N
Coordinate 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

11. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 09, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law HC-1 2020.

D) PLB-2021-010 Ryan and Judy Schuurman

Present: Kim Hessels, agent
Judy Schuurman, applicant

The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 16 metres (52.5 feet) and will contain an area of approximately 1.03 hectares (2.55 acres).

The agent stated that the sign was put up as soon as she got the sign, and that the date on the report was in error. Staff concurred and that it was a clerical error. The agent also stated that a septic evaluation has already been done on the property. The planner stated that she did not recall it being submitted with the application, and that Building will need to review it to sign off the condition. The planner further stated that the proposed size of the lot is over what the County required in this situation, so that a septic evaluation needs to be submitted.

DR asked what would happen with the laneway that goes back to the proposed retained land. The agent said that it would be closed and returned to farm land.

LB feels that a deferral is recommended so that more information can be provided so that the Committee can make a better, more informed decision. Other members concur with this assessment.

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 **Ryan and Judy Schuurman**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 16 metres (52.5 feet) and will contain an area of approximately 1.03 hectares (2.55 acres). **Concession 5, Part Lot 21, Geographic Township of Woodhouse, known municipally as 1706 Concession 6 Woodhouse**

DECISION: DEFERRED

REASONS: To give the applicant time to provide additional information to County staff and the Committee.

MINOR VARIANCES:

A) PLA-2020-189 John and Keitha Lindstead

Present: Keitha Lindstead, applicant
Moiria Smith, neighbour (78 Orkney Street East)

The proposal is to request relief from the provisions of the Urban Residential Type 2 (R2) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the placement of a sea container on the property for storage.

A letter was received from Lena Lucy Atkinson (a neighbour) at 66 Orkney Street East, expressing concerns of the general conditions on the subject property, and the addition of additional containers there..

No comment from the applicant. The neighbour expressed her support for the application, and stated that the applicants keep the property in good condition. The applicant stated that there have been issues with the neighbour who wrote the letter.

DR asked if the container is currently on the property. The applicant said yes, but that Building had told them they needed to apply for the Minor Variance to be compliant with the By-law. She said that she was unaware that she needed to apply. The planner said that it needed to be done as it is still a structure that needs to meet the provisions of the by-law. LB said that he feels that there is a property standards issues on this property, and that the property should be cleaned up. The applicant is working with Building and By-law Department to have the parcel cleaned up, and that the excess vehicles are being removed. LB stated that he cannot support the application until the property is cleaned up. DR asked whether a condition be added to ensure that the property is cleaned up. Staff stated that we can not enforce such a condition on a Minor Variance, and that committee can defer to allow time for clean-up to occur. There was concurrence among other members. JG asked what triggered the need for side yard setback. The planner stated that all deficiencies are included in a minor variance so that applicant do not need to return to the Committee for further variances. The sea container can remain during a deferral so that matters be dealt with.

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 and Keitha Lindstead**, to request relief from the provisions of the Urban Residential Type 2 (R2) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the placement of a sea container on the property for storage. **Range 1 East of Plank Road. Part Lot 11, Urban Area of Caledonia, known municipally as 72 Orkney Street East**

DECISION: DEFERRED

REASONS: To give the applicant time to work with the Building and Municipal By-law Enforcement department on property standards issues.

B) PLA-2020-195 Bert and Veronica Meritz

Present: David Suess, agent
Veronica Meritz, applicant

The proposal is to request relief from the provisions of the Open Space (OS), Agricultural (A) and Wetland (W) Zones of Zoning By-law HC-1 2020 to permit the expansion of a legal non-

conforming use on the property. The relief is requested to permit the construction an accessory garage on a campground site on the subject property.

PB asked if the sign was up. The agent stated that it was, but that it went missing, found and replaced. The agent then asked questions of clarification so that he can address them during the deferral period

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 **Bert and Veronica Meritz**, to request relief from the provisions of the Open Space (OS), Agricultural (A) and Wetland (W) Zones of Zoning By-law HC-1 2020 to permit the expansion of a legal non-conforming use on the property. The relief is requested to permit the construction an accessory garage on a campground site on the subject property. **Concession 3 Cross, Part Lots 7 and 8, Registered Plan 18R6526 Part 3, Geographic Township of Moulton, known municipally as 334 Rattlesnake Road**

DECISION: DEFERRED

REASONS: To give the applicant time to address the issues stated by the Niagara Peninsula Conservation Authority.

C) PLA-2021-004 Chris Dalpetz

Present: Chris Dalpetz, applicant

The proposal is to request relief from the interior side yard (right) and accessory building area provisions of the Urban Residential Type 1-A Zone (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the construction of an accessory building for storage purposes on the property.

The applicant asked for clarification of the lot grading condition, which was provided by the planner. DR asked whether the deficiency is already in place due to the garage. The planner said that it is.

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 Dalpetz**, to request relief from the interior side yard (right) and accessory building area provisions of the Urban Residential Type 1-A Zone (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the construction of an accessory building for storage purposes on the property. **Plan 66 RCP, Part Lot 3 and 4, Urban Area of Hagersville, known municipally as 134 King Street East**

DECISION: APPROVED

CONDITIONS:

1. The proposed development will be constructed substantially in accordance with the attached sketch; and
2. Approval of a lot grading plan prepared by a professional engineer prior to the issuance of a building permit.

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 Haldimand County Zoning By-law HC-1 2020.

D) PLA-2021-006 Dale Furze

Present: Dale Furze, applicant

The proposal is to request relief from the height of building provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the expansion of a legal non-conforming use on the property. The relief is requested to permit the construction of a secondary suite in the loft of an existing accessory building on the property.

Verification of the sign being put up, which it was on February 23, 2021. No other 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 **Dale Furze**, to request relief from the height of building provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the expansion of a legal non-conforming use on the property. The relief is requested to permit the construction of a secondary suite in the loft of an existing accessory building on the property. **Concession 1 from Canborough, Part Lot 15, Registered Plan 18R6559 Part 2, Geographic Township of Moulton, known municipally as 946 Robinson Road**

DECISION: APPROVED

CONDITIONS:

1. The proposed development will be constructed substantially in accordance with the attached sketch.

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 Haldimand County Zoning By-law HC-1 2020.

E) PLA-2021-007 Danny Finoro

Present: Danny Finoro, applicant

The proposal is to request relief from the lot area, lot frontage, interior side yard (left), parking and existing lot provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020 to permit the addition of a living room on the existing dwelling on the property.

No comments from applicant. DR asked the interior side yard deficiency is the only new deficiency. The planner said yes.

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 **Danny Finoro**, to request relief from the lot area, lot frontage, interior side yard (left), parking and existing lot provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020 to permit the addition of a living room on the existing dwelling on the property. **Concession 1, Part Lot 5, Geographic Township of Rainham, known municipally as 84 Hoover Point Lane**

DECISION: APPROVED

CONDITIONS:

1. The proposed development will be constructed substantially in accordance with the attached sketch;
2. The applicant signs a drainage assurance letter in lieu of a lot grading plan; and
3. The applicant obtains approvals and permits from the Long Point Region Conservation Authority (LPRCA).

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 Haldimand County Zoning By-law HC-1 2020.

F) PLA-2021-011 Sharon Hart, Steve and Robert Kennish

Present: Lindsey Bruce, agent

The proposal is to request relief from the lot area, lot frontage and front yard setback provisions of the Lakeshore Residential Zone (RL) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the construction of a new cottage, using the same foundation on the property.

No comments from agent. DR asked why the front yard setback will be different from original, as it will be built on same foundation. Agent stated that the plans call for a slight protrusion.

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 **Sharon Hart, Steve and Robert Kennish**, to request relief from the lot area, lot frontage and front yard setback provisions of the Lakeshore Residential Zone (RL) Zone of Haldimand County Zoning By-law HC-1 2020 to permit the construction of a new cottage, using the same foundation on the property. **Concession 7, Part Lot 16, Geographic Township of South Cayuga, known municipally as 2598 Lakeshore Road**

DECISION: APPROVED

- CONDITIONS:**
1. The proposed development will be constructed in accordance with the attached sketch; and
 2. Approval of a full lot grading plan, prepared by a professional engineer.

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 Haldimand County Zoning By-law HC-1 2020.

Member Wagter left room due to conflict.

CONSENTS & RELATED MINOR VARIANCES:

A) PLB-2021-030, PLA-2021-031 & PLA-2021-032 HML Holdings Ltd.

Present: John Edelman, applicant

In **PLB-2021-030**, a blank easement is proposed for access and servicing purposes. For both **PLA-2021-031** and **PLA-2021-032**, relief is requested from the interior side yard provisions of the Light Industrial Zone (ML) of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a new warehouse and breezeway.

No comments from applicant or committee.

The Committee made the following decision:

PLB-2021-030

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 **HML Holdings Ltd.**, for a blank easement is proposed for access and servicing purposes. **Cayuga Village Plan Lots 22 and 23, Part**

Lots 21 and 24, South of Kerr Street, Lots 22 and 23, Part Lots 21 and 24, North of Kerr Street, Lot 22, Part Lots 21, 23 and 24, South of Mohawk Street, Part of Snow Street, Part of Kerr Street, Registered Plan 18R7647 Parts 26 TO 37, Urban Area of Cayuga, known municipally as 66 and 70 Talbot Street East

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 \$308.00 for deed stamping.
 2. Receipt of final approval of the required site plan application (Site Plans 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 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.
 4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 9, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law HC-1 2020.

PLA-2021-031

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 **HML Holdings Ltd.**, to request relief from the interior side yard provisions of the Light Industrial Zone (ML) of Haldimand County Zoning By-law HC-1 2020. **Cayuga Village Plan Lots 22 and 23, Part Lots 21 and 24, South of Kerr Street, Lots 22 and 23, Part Lots 21 and 24, North of Kerr Street, Lot 22, Part Lots 21, 23 and 24, South of Mohawk Street, Part of Snow Street, Part of Kerr Street, Registered Plan 18R7647 Parts 26 TO 37, Urban Area of Cayuga, known municipally as 66 Talbot Street East**

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 Haldimand County Zoning By-law HC-1 2020.

PLA-2021-032

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 **HML Holdings Ltd.**, to request relief from the interior side yard provisions of the Light Industrial Zone (ML) of Haldimand County Zoning By-law HC-1 2020. **Cayuga Village Plan Lots 22 and 23, Part Lots 21 and 24, South of Kerr Street, Lots 22 and 23, Part Lots 21 and 24, North of Kerr Street, Lot 22, Part Lots 21, 23 and 24, South of Mohawk Street, Part of Snow Street, Part of Kerr Street, Registered Plan 18R7647 Parts 26 TO 37, Urban Area of Cayuga, known municipally as 70 Talbot Street East**

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 Haldimand County Zoning By-law HC-1 2020.

Member Wagter returned to meeting.

PREVIOUSLY DEFERRED:

A) PLB-2020-034 Wilfred and Fiona Westerveld

Present: Wilfred Westerveld, applicant
 Fiona Westerveld, applicant

This application was deferred at the July 28, 2020 Committee of Adjustment meeting. The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will measure approximately 198 metres by 133 metres and will contain an area of approximately 2.5 hectares.

Applicant stated that the property is located next to Rosa Flora, that there is a municipal ditch along the proposed property line, and that the farming equipment is too large to get closer to the dwelling. For these reasons, the proposed size of the lot is what makes the most sense. Additionally, the Ministry of the Environment requires a buffer from the existing dairy operation. BW feels that based on the information, the request makes sense, and he can support. BS asked clarification for size of ditch. LB has struggled with this application; he feels that it is too big, but that there needs to be justification for an oversized request, and County policy needs to be considered. CB asked if this is the same request as previously made. The applicant said that it was, but that they were providing more information in the form of the MOE Provincial Officer's Order. The applicant stated that the house is currently rented, but that the property will eventually be resided in by one of their children. PB feels that the size request is too big. LB feels that the excess land is not farmable.

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 **Wilfred and Fiona Westerveld**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will measure approximately 198 metres by 133 metres and will contain an area of approximately 2.5 hectares. **Part Lot 11, Concession 2, Geographic Township of Moulton, known municipally as 679 Diltz Road**

DECISION: **REFUSED (Defeated 2 votes to 4 votes)**
 DEFERRED (Carried 6 votes to 0)

REASONS: To give the applicant a chance to revise the application to better conform to the Official Plan and Zoning By-law HC-1 2020.

B) PLA-2020-149 Oscar Jose, Emyrose and Steve Maurice

Present: Steve Maurice, applicant
 Emyrose Maurice, applicant
 David Aitchison, representative of a neighbour
 Wayne Braden, neighbour
 Marry Gray, neighbour (468 South Coast)

This application was deferred from the December 15, 2020 Committee of Adjustment meeting. Relief is requested from the front yard setback and rear yard provisions of the Open Space (OS) Zone of City of Nanticoke Zoning By-law NE-1 2000. The required relief is to allow for the construction of a new single-family dwelling on the parcel.

The applicant stated that their proposal is similar to other new dwellings in the general vicinity of their property. Mr. Aitchison wanted to say that the understanding has always been a park, and cannot understand why the house can be allowed. The planner stated that the by-law allows for such a proposal. Mr. Braden was concerned that the construction of a house would affect property values, will affect the view from his property, and he was concerned that access has been, and will continue to be an issue for neighbours on the private laneway. He also questions why they cannot build on the wider part of the lot. Ms. Gray has concern that the property will be unkept, and that they will store work vehicles on the lot, if there is sufficient room for a proper septic system. And that the bend in the road presents a hazard if a house is built on the property. The applicant said that his business will not be located on the property and that they will be keeping the property cleaned up. It was stated that the land is currently owned by Uwe Sander, but that they are in the process of working an agreement for purchase. Planner stated Roads have concern that the setback from the road needs to be maintained for safety and upkeep. Ms. Gray further concurred with the safety issue. LB asked why they do not want to build in the wider

area of the property, thereby avoiding the need of variances. The applicant stated it is the way they want it to look.

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 **Oscar Jose, Emyrose and Steve Maurice**, to request relief from the front yard setback and rear yard provisions of the Open Space (OS) Zone of City of Nanticoke Zoning By-law NE-1 2000, to allow for the construction of a new single-family dwelling on the parcel. **Plan 19358, Lot 24, Geographic Township of Walpole, currently without a civic address.**


DECISION: REFUSED

REASONS: The proposal is not consistent with the Provincial Policy Statement (2020), does not conform to the Province's Growth Plan (2019), does not conform to the Haldimand County Official Plan and does not meet the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

OTHER BUSINESS:

The minutes of the February 23, 2021 meeting were adopted as amended.

The meeting adjourned at 11:00 am


Chairman


Secretary-Treasurer