



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, JUNE 15, 2021**

A meeting of the Committee of Adjustment was held on Tuesday, June 15, 2021 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

<b>MEMBERS PRESENT:</b>	Chair	Paul Brown
	Members	Don Ricker
		John Gould
		Brian Snyder
		Brian Wagter
		Carolyn Bowman
		Leroy Bartlett
<b>STAFF PRESENT:</b>	Supervisor Development Services	Alisha Cull
	Planner	Alicia West
	Secretary-Treasurer	David Scott
	Planning Technician	Jessica Easson

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2021-042	Van Der Molen Farms	APPROVED
PLB-2021-080	Albert and Andrea Van Benthem	DEFERRED
PLB-2021-082	Pine Ridge Gardens Inc.	APPROVED
PLB-2021-083	Bill Horodecky	APPROVED
PLB-2021-084	Kelli Greyerbiehl	APPROVED
PLB-2021-085	Jeffrey Wray Dennis	APPROVED
PLB-2021-090	Trevor Vitali	REFUSED
PLB-2021-102	1456556 Ontario Inc.	APPROVED

**MINOR VARIANCES:**

PLA-2021-051	Tilstra Bros. Farms Ltd.	APPROVED
PLA-2021-086	Matt and Ruth Visser	APPROVED
PLA-2021-089	Joe Polillo	APPROVED

PLA-2021-091  
PLA-2021-097

Bryan Edge and Erin Winegard-Edge  
Clare and Margaret Packham

APPROVED  
DEFERRED

**DECLARATIONS OF PECUINARY INTEREST: None declared.**

**CONSENTS:**

**A) PLB-2021-080 Albert and Andrea Van Benthem**

Present: Kim Hessels, agent

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 63 metres (206.7 feet) and will contain an area of approximately 0.5 hectares (1.24 acres).

No sign was posted. Committee to defer application to give applicant time to post sign on property

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 **Albert and Andrea Van Benthem**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 63 metres (206.7 feet) and will contain an area of approximately 0.5 hectares (1.24 acres). **Concession 11, Part Lots 14 and 15, Geographic Township of Walpole, known municipally as 1155 Concession 10 Walpole**

**DECISION: DEFERRED**

**REASONS:** To allow the applicant time to erect the notice sign, as per the *Planning Act*.

**B) PLB-2021-082 Pine Ridge Gardens Inc.**

Present: Henry Westerveld, owner

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 75 metres (246 feet) and will contain an area of approximately 0.4425 hectares (1.1 acres).

Applicant wished to have explained why they would need an entrance permit when there are four entrances currently to the property. The planner said that based on that fact, the condition can be removed. No questions from the committee.

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 **Pine Ridge Gardens Inc.**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 75 metres (246 feet) and will contain an area of approximately 0.4425 hectares (1.1 acres). **Concession 1 from Canborough, Part Lots 9 and 10, Geographic Township of Moulton, known municipally as 692 Robinson Road**

**DECISION:**           **APPROVED as amended (Condition 5 removed)**

**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 \$308.00 for deed stamping.
2. That a septic evaluation for severed parcel be completed and submitted to the Secretary- Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
3. Receipt of confirmation from the owner of the location of the cistern or well on the property prior to the signing of the certificate by the Secretary-Treasurer.
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. 6424, 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 0.4425 hectares (1.1 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](mailto:dscott@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
  
7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 15, 2022, after which time this consent will lapse.

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

**C) PLB-2021-083 Bill Horodecky**

Present: Jackie Hamilton, agent

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will have frontage of approximately 22 metres (72.2 feet) and will contain an area of approximately 0.2013 hectares (0.5 acres). The property is to provide additional parking for the benefitting lands.

No comments from agent. Member Ricker asked staff what makes this situation acceptable for a boundary adjustment, while other situations may be unacceptable. The planner said that there was an encroachment issue being addressed, and no farm lands are being taken out of agricultural production. Therefore, the application was supportable.

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 **Bill Horodecky**, to sever a parcel of land as a boundary adjustment. The severed lands will have frontage of approximately 22 metres (72.2 feet) and will contain an area of approximately 0.2013 hectares (0.5 acres). The property is to provide additional parking for the benefitting lands. **Concession 2 South East of Stoney Creek Road, Part Lots 2 and 3, Geographic Township of Seneca, known municipally as 1314 Concession 2 Road**

**DECISION:**           **APPROVED**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, and a fee of \$308.00 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 Glenn Paul Forrester. and further identified as Roll # 2810-152-001-08030, 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 Glenn Paul Forrester and further identified as Roll # 2810-152-001-08030.
  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 recalculated 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.

5. 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.
  
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 0.2013 hectares (0.5 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](mailto:dscott@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
  
8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 15, 2022, after which time this consent will lapse.

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

**D) PLB-2021-084 Kelli Greyerbiehl**

Present: Travis Langerap, agent

The proposal is to create a new lot to separate two existing semi-detached dwellings into separate ownership. The severed lands will have frontage of approximately 12.718 metres (41.7 feet) and will contain an area of approximately 0.102 hectares (0.25 acres).

No comment from the agent or committee.

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 **Kelli Greyerbiehl**, to create a new lot to separate two existing semi-detached dwellings into separate ownership. The severed lands will have frontage of approximately 12.718 metres (41.7 feet) and will contain an area of approximately 0.102 hectares (0.25 acres). **Lot 1 East of Selkirk Street, Urban Area of Caledonia, known municipally as 12-14 Selkirk Street**

**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 confirmation from the applicant that all proposed properties are connected to servicing to the satisfaction of the Water and Wastewater Operations Division prior to the signing of the certificate by the Secretary-Treasurer. An application together with a drawing showing the existing and proposed service(s) is to be submitted to the Water and Wastewater Operations Division for permits.
  3. Approval from Hydro One is received and provided to the Secretary-Treasurer prior to the signing of the certificate. Hydro One anticipates the underground service conductor may cross the proposed severed land. If this is the situation, the proponents options are as follows:
    - a. Grant Hydro One an easement for the line; or
    - b. Relocate the existing underground cable off the proposed severed land.

- c. The proponent should contact Hydro One to initiate the process if the severance moves forward at 1-888-664-9376.
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 0.102 hectares (0.25 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](mailto:dscott@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 June 15, 2022, after which time this consent will lapse.

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

**E) PLB-2021-085 Jeffrey Wray Dennis**

Present: Ed McCarthy, agent  
 Jeff Dennis, applicant



The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 100 metres (328 feet) and will contain an area of approximately 0.52 hectares (1.28 acres).

No comment from agent. Member Gould asked if the entrance permit should be a condition to the severance. The planner said that it could be added. The applicant said that there are additional entrances already existing to the property. Through discussion the Committee decided not to add the entrance permit condition to the decision.

The applicant stated that a civic address did, in fact, exist on the property (461 South Coast Drive) so he felt that he did not have to apply for a new civic address. The Secretary-Treasurer stated that the address did not appear in the County's database, so that a verification of the address could be initiated by the Planning Technician, and the necessary notification could be done to rectify the situation.

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 **Jeffrey Wray Dennis**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 100 metres (328 feet) and will contain an area of approximately 0.52 hectares (1.28 acres). **Concession 1, Part Lot 13, Geographic Township of Walpole, 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 \$350.00 and a fee of \$308.00 for deed stamping.
  2. That a septic evaluation for severed parcel be completed and submitted **to the Secretary-Treasurer**, who will give it 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 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. 6212 for 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 0.52 hectares (1.28 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](mailto:dscott@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:
 

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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 June 15, 2022, after which time this consent will lapse.

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

**F) PLB-2021-090 Trevor Vitali**

Present: Trevor Vitali, applicant

The proposal is to create a new lot to facilitate the construction of a new dwelling. The severed lands will have frontage of approximately 66.33 metres (217.6 feet) and will contain an area of approximately 0.98 hectares (2.41 acres).

Member Ricker asked whether the possibility of refusal was explained to the applicant during the process. The planner said that it was. Applicant was confused about why they were approved for building on a single lot, but would not for two. The planner explained that he had previously applied for a rezoning, and was approved as one lot. Severing of this property is a different process, and both provincial and County policy does not allow staff to support this application.

Member Bartlett asked if staff had supported the zoning amendment for the property when it went to Council. The planner said that, based on policy, staff was able to support the re-zoning. Further discussion occurred to further clarify the differences in process between the re-zoning process, and the severance process in front of the Committee.

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 **Trevor Vitali**, to create a new lot to facilitate the construction of a new dwelling. The severed lands will have frontage of approximately 66.33 metres (217.6 feet) and will contain an area of approximately 0.98 hectares (2.41 acres). **Range 2 from Grand River, Part Lot 8, Geographic Township of Moulton, known municipally as 1393 Highway 3**

**DECISION:**            **REFUSED**

**REASONS:**            The proposal does not conform to the intent of the Official Plan or the Zoning By-law.

**G) PLB-2021-102      1456556 Ontario Inc.**

Present:    Richard Schilstra, agent  
              Fred Moodie, agent

The proposal is to sever a vacant lot into two for future development. Both the severed and retained parcels will measure approximately 23.1 metres (75.8 feet) by 50.08 metres (164.3 feet) and will containing an area of approximately 0.23 hectares (0.57 acres).

No comments from agents or committee.

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 **1456556 Ontario Inc.**, to sever a vacant lot into two for future development. Both the severed and retained parcels will measure approximately 23.1 metres (75.8 feet) by 50.08 metres (164.3 feet) and will containing an area of approximately 0.23 hectares (0.57 acres). **Concession 4 South of Dover Road, Part Lot 6,**

**Registered Plan 18R6973 Part 4, Geographic Township of Dunn, known municipally as 3252 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 \$308.00 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.
  3. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be recalculated 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.
  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 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 0.23 hectares (0.57 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](mailto:dscott@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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 15, 2022, after which time this consent will lapse.

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

**MINOR VARIANCES:**

**A) PLA-2021-086 Matt and Ruth Visser**

Present: Matt Visser, applicant  
Ruth Visser, applicant

This application is a condition of Consent Application PLB-2021-008. Relief is requested from the front yard setback and rear yard setback provisions of the Urban Residential Type 2 (R2) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize the proposed deficiencies to permit the construction on the property.

No comments from the applicants. Member Gould asked whether a demo permit should be a condition to tear down the garage. The planner said that it was not necessary as it would be needed in the building permit process. Member Bowman asked whether the sign had been posted, as she was not able to find it on her site inspections. It was verified that the sign was up on the garage.

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 **Matt and Ruth Visser**, requesting relief from the front yard setback and rear yard setback provisions of the Residential Type 2 (R2) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize the proposed deficiencies to permit the construction on the property. **Lot 18 South of Tuscarora, Urban Area of Cayuga, known municipally as 1 Tuscarora Street West**

**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), and Haldimand County Zoning By-law HC-1 2020.

**B) PLA-2021-089      Joe Polillo**

Present: Joe Polillo, applicant

The proposal is to request relief from the accessory building area and building height provisions of the Residential Type 1-A (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the property.

No comment from the applicant or committee. Planner verified that surrounding uses are residential in nature.

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 **Joe Polillo**, to request relief from the accessory building area and building height provisions of the Residential Type 1-A (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the property. **Plan 50, Lot 3, Urban Area of Cayuga, known municipally as 85 Thorburn Street South**

**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), and Haldimand County Zoning By-law HC-1 2020.

**C) PLA-2021-091      Bryan Edge and Erin Winegard-Edge**

Present: Bryan Edge, applicant  
Erin Winegard-Edge, applicant  
Leanne Deveau, neighbour  
Jim Gordon, neighbour  
Kellye Ahearn, neighbour

The proposal is to request relief from the exterior side yard and accessory building area provisions of the Residential Type 1-A (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a single family dwelling on the property.

An email was read from Greg Jenkins, a neighbour of the subject property. He said "...before this home went up for sale, there were no problems or concerns with the lot. Accepting the variance would introduce a financial burden on the neighbouring home owners. The applicants should have been well aware of the limitations of the lot when the home was purchased from the previous owner and should have considered this in their design. The applicants should re-visit their design and build it in accordance with the size of the property they purchased, without negatively impacting their future neighbours. "

There were no initial comments from the applicants.

Ms. Deveau expressed concern that the integrity of the pool would be in question if this minor variance was approved. Mr. Gordon had concerns that the neighbourly atmosphere and history of the area would be impacted by the proposed dwelling. Mr. Gordon had also expressed concern that Kincardine Street is quite narrow, and that allowing the proposed dwelling would cause problems for any future work on the road as far as the County was concerned. Mr. Gordon added that, in his opinion, the proposed dwelling was too large for the size of the property. Ms. Ahearn added that the dwelling would affect the integrity of the pool, which she owns next door to the subject parcel.

Member Gould asked if the fence and pool of the neighbouring property encroached onto the subject property. Ms. Ahearn, as the owner of said fence and pool, said that they did encroach. Member Bartlett stated that, by the applicants bringing forth this application, they were, in fact, doing what they could to mitigate the encroachment. Member Bartlett then wondered whether

the encroachment would need to be corrected in the future anyhow. The planner said that a boundary adjustment could be applied for, but that would have to be a decision between neighbours. Upon questions from the Committee, the planner verified that the proposed dwelling would not encroach on the existing Kincardine Street road allowance.

There was further discussion in which member of the Committee felt that the application met the tests of a minor variance, and that it was a positive step in neighbour relations to address the encroachment in this way. There was agreement from the applicant, who said that this was the reason that they applied for the minor variance in the first place.

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 **Bryan Edge and Erin Winegard-Edge**, to request relief from the exterior side yard and accessory building area provisions of the Residential Type 1-A (R1-A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a single family dwelling on the property. **Part Lot 22, North of Caithness, Urban Area of Caledonia, known municipally as 410 Caithness Street East**

**DECISION:**           **APPROVED**

- CONDITIONS:**
1. The proposed development will be constructed substantially in accordance with the attached sketch;
  2. That a grading plan be provided and accepted by the County.

**REASONS:**       The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

**D) PLA-2021-097     Clare and Margaret Packham**

Present:   Bev Foisey, agent

The proposal is to request relief from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a mobile home on the property to serve as a secondary suite for their parents.

The agent explained the situation, and why they needed to apply for the minor variance. Members of the Committee noticed that the sign had not been posted, and that the application should be deferred. After some discussion about why the sign had not been posted, the don was stopped, and a vote was taken.

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 **Clare and Margaret Packham**, to request relief from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a mobile home on the property to serve as a secondary suite for their parents. **Concession 2 from Canborough, Part Lots 19, 20 and 21, Geographic Township of Moulton, known municipally as 162 Young Road**

**DECISION:**           **DEFERRED**

**REASONS:**           To allow the applicant time to erect the notice sign, as per the *Planning Act*.

**PREVIOUSLY DEFERRED:**

**A) PLB-2021-042      Van Der Molen Farms Inc.**

Present:           Ed McCarthy, agent

This application was deferred at the April 19, 2021 Committee of Adjustment meeting, and has been subsequently revised. The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 84.43 metres (277 feet) and will contain an area of approximately 0.53 hectares (1.3 acres).

The agent said that the removal of the contractor's yard was condition, which they have no issues with. He wanted verification as to the need of a minor variance. The supervisor said that it is for the barn on the retained parcel. As it is an existing situation that they have no issue with its removal. Member Bartlett then asked that the condition be removed.

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 **Van Der Molen Farms Inc.**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 84.43 metres (277 feet) and will contain an area of approximately 0.53 hectares (1.3 acres). **Concession 9, Part Lot14, Geographic Township of Walpole, known municipally as 587 Concession 8 Walpole**

**DECISION:**           **APPROVED as amended (Condition 4 removed)**

**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 \$308.00 for deed stamping.

2. That the contracting business be removed from the subject lands or final approval of a combined Official Plan and Zoning By-law Amendment application be in place to permit the contracting business. (Official Plan and Zoning By-law amendments can take six months, therefore, your application must be submitted as soon as possible).
3. That a septic evaluation for severed parcel be completed and submitted **to the Secretary- Treasurer,** who will give it 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. The 'U' shaped access from the severed and retained lands from Concession 8 Walpole 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 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 0.43 hectares (1.06 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](mailto:dscott@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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 15, 2022, after which time this consent will lapse.

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

**B) PLA-2021-051 Tilstra Bros. Farms Ltd.**

Present: Kim Hessels, agent

This application was deferred at the April 19, 2021 Committee of Adjustment meeting, and there has been additional information received. Relief is requested from the MDS provisions of the Agricultural Zone (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the expansion of the existing dairy barn on the property.

No comments from agent. Member Gould expressed support of the application. Member Bartlett said that the MDS will continue to be an issue on the property, especially if they entertain further expansion, so he advised that the applicant will need to find ways to mitigate the MDS situation.

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 **Tilstra Bros. Farms Ltd.**, to request relief from the MDS provisions of the Agricultural Zone (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the expansion of the existing dairy barn on the property. **Concession 2, Part Lot 10, Geographic Township of Canborough, known municipally as 145 Lane Road**

**DECISION: APPROVED**

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

**OTHER BUSINESS:**

The minutes of the May 18, 2021 meeting were adopted as presented.

In the ongoing process toward fair remuneration, a survey was distributed to members to fill out and return to the Chairperson by the September Committee meeting.

The meeting adjourned at 10:40 am.



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Chairman



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Secretary-Treasurer