



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, AUGUST 17, 2021**

A meeting of the Committee of Adjustment was held on Tuesday, August 17, 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>MEMBERS ABSENT:</b>		
<b>STAFF PRESENT:</b>	Supervisor Development Services	Alisha Cull
	Planner	Neil Stoop
	Secretary-Treasurer	David Scott
	Planning Technician	Jessica Easson

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2021-126	Maxine, Barbara and Lorraine Montague	APPROVED
PLB-2021-129	Don and Darlene Mans	APPROVED

**MINOR VARIANCES:**

PLA-2021-113	Ronald Glenn, Juliet & Rory Root and Katherine LaDota	APPROVED
PLA-2021-119	Mike Lovegrove	DEFERRED
PLA-2021-121	Michael Garret Bogul	APPROVED
PLA-2021-123	Anita and Brett Robertson	APPROVED
PLA-2021-127	Lori Lee and Terry Robinson	APPROVED
PLA-2021-128	Keith Fralick	APPROVED
PLA-2021-130	859656 Ontario Limited	APPROVED

**DECLARATIONS OF PECUINARY INTEREST: NONE**

**CONSENTS:**

**A) PLB-2021-126**

**Maxine, Barbara and Lorraine Montague**

Present: David Roe, agent

The proposal is to sever an approximately 2.43 hectare (6.02 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 2471 Highway 3 (Roll Number 2810.332.005.02500) to add property to the benefitting lands.

The agent is in agreement with the findings and recommendation of the planning report. Member Snyder asked what will happen to the rest of the railway lands. The agent stated that they would amalgamate with a property to the east, to be used in the future as a building lot. This is the future plan. Member Bowman asked if this would create a new lot. The agent said no.

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 **Maxine, Barbara and Lorraine Montague**, to sever an approximately 2.43 hectare (6.02 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 2471 Highway 3 (Roll Number 2810.332.005.02500) to add property to the benefitting lands. **Concession 8, Part Lots 9-12, Registered Plan 18R5364 Parts 1 to 4, Registered Plan 18R5365 Parts 1 to 4, Geographic Township of Walpole, no civic address**

**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 John Nicholas and Leo Cornelius Montague, and further identified as Roll # 2810-332-005-02500, 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 John Nicholas and Leo Cornelius Montague and further identified as Roll # 2810-332-005-02500.

4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
5. That the owner make a formal submission and receive approval for placing a Holding provision on the subject lands until such a time a Record of Site Condition can be 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 0.73 hectare (1.8 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](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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 17, 2022, after which time this consent will lapse.

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

**B) PLB-2021-129 Don and Darlene Mans**

Present: Roger Egger, agent

The proposal is to sever an approximately 0.73 hectare (1.8 acre) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 85 Robinson Road (Roll Number 2810.022.003.00100) to add property to the existing agricultural implement business.

No comment from the agent. Member Ricker asked why an Environmental Impact Study is necessary. The planner said it was at the request of the Grand River Conservation Authority (GRCA). Member Bowman asked for confirmation if GRCA was asking for deferral. The planner said that that was their initial feeling, but that through consultation, they were happy with making it a condition for approval.

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 **Don and Darlene Mans**, to sever an approximately 0.73 hectare (1.8 acre) parcel of land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 85 Robinson Road (Roll Number 2810.022.003.00100) to add property to the existing agricultural implement business. **Indian Reserve, Part Lot 1, Geographic Township of Canborough, known municipally as 65 Robinson 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 Roger Ernest Egger and further identified as Roll # 2810-022-003-00100, 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 Roger Ernest Egger and further identified as Roll # 2810-022-003-00100.
4. That an Environmental Impact Study (EIS) be submitted to the Planning and Development Division and the Grand River Conservation Authority prior to the signing of the certificate. Contact the Planner at 905-318-5932 ext. 6202, or the Grand River Conservation Authority 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 0.73 hectare (1.8 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](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 August 17, 2022, after which time this consent will lapse.

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

**C) MINOR VARIANCES:**

**A) PLA-2021-113 Ronald Glenn, Juliet & Rory Root and Katherine LaDota**

Present: Steve Greenwood, agent

The proposal is to request relief from the lot area, front yard setback, interior side yard (right) and frontage on an improved street provisions of the Lakeshore Residential (RH) and Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the renovation, and moving of the existing cottage on the property.

The agent is in agreement with the findings and recommendation of the planning report. Member Ricker asked for clarification of what is being done on the property. There is a discrepancy between the agenda and report. The planner said that basically the use will be moved, and that the structure will be replaced in the new location. Member Ricker then asked how the County will make sure that two cottages are not built on the property. The planner said that the zoning bylaw and a deposit provided by the applicant will ensure this. The committee asked about the lot grading, and how the cottage will be built. The agent said that it would be built on stilts.

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 **Ronald Glenn, Juliet & Rory Root and Katherine LaDota**, to request relief from the lot area, front yard setback, interior side yard (right) and frontage on an improved street provisions of the Lakeshore Residential (RH) and Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the

renovation, and moving of the existing cottage on the property. **Concession 5 South of Dover Road, Part Lot 12, Geographic Township of Dunn, known municipally as 3 Marshall Road**

**DECISION: APPROVED**

**CONDITIONS:** 1. Approval from the County for a full lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409.

**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-2021-119 Mike Lovegrove**

Present: Mike Lovegrove, applicant  
Jim Bird, neighbour  
Anthony Baldwin, neighbour  
Gordon Burlison, neighbour

The proposal is to request relief from the front yard setback and rear yard provisions of the Lakeshore Residential (RL) 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.

The applicant stated that he had not read the report. The Secretary-Treasurer confirmed that a copy of the planning report had been sent to the applicant by email on the Friday before the meeting date.

Mr. Bird distributed and then read prepared comments (**see Appendix A**) He added that the planning report recommendation approval, as the proposal calls for the construction of a cottage on the property. Mr. Bird wondered how this would be enforced. The planner stated that this is the use permitted by the zoning of the property. Mr. Bird also requested clarification to some of the comments in the report, which was provided to him by the planner.

Mr. Baldwin (resident at 3 Featherstone) expressed a number of concerns, which he stated by reading prepared comments (**see Appendix B**). He stated that the survey sketch that he provided in his comments show a number of discrepancies in relation of property boundaries, setbacks and the proposed septic system for the subject property. Mr. Baldwin stated that recent flooding showed that the proposed septic may be problematic. Mr. Baldwin felt that the proposal does not appear to be minor in nature, and that the proposed setbacks do not appear to be accurate. He continued by stating that the existing hydro lines do not appear to be considered in the application or the sketch provided, nor is there any indication of any hydro easements over the

property. Mr. Baldwin felt that there was not enough detail on the sketch included in the application. Mr. Baldwin also stated that property maintenance has been an issue; including weeds, property grading, garbage, as well as un-monitored fires on the site. He was concerned that surrounding property values would decrease as a result of this poor maintenance, and that he felt that there was a number of by-law violations on the subject property. Mr. Baldwin asked that the committee refuse the application.

Mr. Burlison showed that there are two hydro poles on the property. He was not sure of what the hazard overlay is (as referenced in the planning report), and he made note that the subject property is designated as Lakeshore Hazard Land in the Official Plan. He then read a prepared statement (**see Appendix C**).

The applicant stated that the property is maintained, despite the comments from the neighbours. The applicant then said that they wish to use the property as a retirement home, and that there are no plans for commercial uses there. Chairperson Brown asked if the septic would have to be a raised bed. The planner said that it was not necessary, but that, in this case, it would probably be advisable. Member Gould asked whether the minor variance is considering all setbacks for the property. The planner said that the application is only considering the setbacks for the proposed dwelling, and that the applicant would have to return for any further development. Member Gould then stated that the discrepancy in information makes it hard to consider the application as it is currently presented.

Debate continued regarding the proposed boundaries, as well as the location of the survey stakes.

Member Ricker stated that a new survey should be made as a condition, as well as a septic evaluation. The planner said that a septic evaluation is required in the building permit process, so that it may be redundant to make it a condition of the minor variance. The planner also stated that this would be the same for the requirement of an entrance permit, which was previously suggested. Member Ricker stated that he would be happier if these were made a condition nevertheless.

There was then a discussion regarding the proposed shed on the property.

Member Gould suggested that a deferral may be prudent until such a time as a proper survey is provided by the applicant. Member Ricker also expressed that he was in favour of deferring the application. Member Bowman requested that more information be provided regarding the hydro lines on the property. The planner added the Planning had not, as of yet received comments from Hydro One. Mr. Bird stated that the committee must refuse the application due to all the details presented, and due to the objections of the surrounding 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 **Mike Lovegrove**, to request relief from the front yard setback and rear yard provisions of the Lakeshore Residential (RL) 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. **Concession 1, Part Lot 18, Geographic Township of Rainham, known municipally as 1747 Lakeshore Road**

**DECISION:**           **MOTION TO APPROVE**  
**Member Bowman: No**  
**Member Ricker: No**  
**Member Gould: No**  
**Member Snyder: No**  
**Member Wagter: No**  
**DEFEATED(5 votes to 0)**

**MOTION TO DEFER**  
**Member Bowman: Yes**  
**Member Ricker: Yes**  
**Member Gould: Yes**  
**Member Snyder: Yes**  
**Member Wagter: Yes**  
**APPROVED(5 votes to 0)**

**REASONS:**       To give the applicant time to provide staff with a new survey, show the location of the metal stakes, and to provide staff with further information regarding the proposed septic, sightlines, entrance permits and Hydro One approval from the applicable departments and agencies.

**C)       PLA-2021-121                           Michael Garret Bogul**

Present:       Michael Bogul, applicant  
               Bob Kerr, First Baptist Church

The proposal is to request relief from the interior side yard (left) 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.

Mr. Bogul wondered why the lot grading was required when a permit was already issued. The planner said that that was for another application, and that this was required by the Design Technician to ensure that water flow is fine on the property.

Mr. Kerr had no real concerns, but was concerned with water runoff, and that weeds were cleaned up between the subject property, and the church's manse. He just wanted to make sure



**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.

**E) PLA-2021-127 Lori Lee and Terry Robinson**

Present: Jeremy Cervi, agent  
Craig Riesebosch, representative for a neighbour

The proposal is to request relief from the height of building and accessory building area provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of an accessory building for storage on the property.

No comment from agent. Mr. Riesebosch asked that the committee to refuse the application, saying that the request is not minor in nature. He presented a petition, which also expressed the concerns of the neighbours of the subject property (**see Appendix D**). He argued that the proposed building, backs onto backyard neighbouring properties, rather than agricultural land, which would not be as impacted as residential. He feels that this proposal does not fit in the situation in Attercliffe Station. It would have a poor impact on the neighbours. It would set a bad precedence for the area. They are not against the building, just its size.

Member Gould asked for the size of the subject lands. The planner said 0.38 hectares. Member Ricker asked if we can control window placement on the building. The planner said no. Mr. Riesebosch said that windows are not the issue, but rather the height of the window. The agent said that there would be no windows on the back of the building. Member Ricker asked whether a condition to that effect could be added. The planner said that that is possible, but that it is not possible to enforce it over perpetuity. Member Ricker said he would still like to add it.

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 **Lori Lee and Terry Robinson**, to request relief from the height of building and accessory building area provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of an accessory building for storage on the property. **Plan 18M48, Lot 1, Geographic Township of Moulton, known municipally as 2 Phillips Court**

**DECISION: APPROVED as amended (Added second condition)**

**CONDITIONS:** 1. Approval from the County for a partial lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and

must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409.

2. That the proposed accessory structure does not have any windows placed at the back of the building.

**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.

**F) PLA-2021-128 Keith Fralick**

Present: Stephen Cowan, agent

The proposal is to request relief from the secondary suite area provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a secondary suite on the property.

No comment from agent. Member Snyder asked if they are creating an apartment on the property. The planner said yes. Member Snyder then asked if there would be a timeline for this approval. The planner said no as this is not a garden suite.

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 **Keith Fralick**, to request relief from the secondary suite area provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a secondary suite on the property. **Concession 3, Part Lot 7, Registered Plan 18R4534 Part 1, Geographic Township of Canborough, known municipally as 164 James 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.

**G) PLA-2021-130**

**859656 Ontario Limited**

Present: Ashley Minns (IBI Group), agent

The proposal is to request relief from the number of lots and campground lot size provisions of the Open Space (OS) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the expansion of an existing campground onto the neighbouring property.

No comments from the agent or the 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 **859656 Ontario Limited**, to request relief from the number of lots and campground lot size provisions of the Open Space (OS) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the expansion of an existing campground onto the neighbouring property. **Concession 1, Part Lot 10, Registered Plan 18R2861 Part 3, Geographic Township of Sherbrook, known municipally as 1942 North Shore Drive**

**DECISION: APPROVED**

**CONDITIONS:**

1. Approval from the County for a full lot grading plan and that the applicant enter into a drainage re-apportionment agreement. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6409.

**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 July 20, 2021 meeting were adopted as amended.

The meeting adjourned at 11:33am

*Paul Brown*

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Chairman

*David Scott*

Secretary-Treasurer