



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, SEPTEMBER 21, 2021**

A meeting of the Committee of Adjustment was held on Tuesday, September 21, 2021 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

MEMBERS PRESENT: Chair Paul Brown
Members John Gould
Brian Snyder
Brian Wagter
Carolyn Bowman
Leroy Bartlett

MEMBERS ABSENT: Don Ricker

STAFF PRESENT: 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-2021-138	John Sheppard	APPROVED
PLB-2021-140	Fingerprint Homes Ltd.	APPROVED
PLB-2021-148	William Jacob Cronk	DEFERRED

CONSENTS & RELATED MINOR VARIANCES:

PLB-2021-144 & PLA-2021-145	Travis Sheldrake and Erin Roberts	APPROVED
--------------------------------	-----------------------------------	----------

MINOR VARIANCES:

PLA-2021-141	Ryan and Judy Schuurman	APPROVED
PLA-2021-147	Paul Brown	APPROVED

DECLARATIONS OF PECUINARY INTEREST: None Declared

CONSENTS:

A) PLB-2021-138 John Sheppard

Present: John Sheppard, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have frontage of approximately 107.6 metres (353 feet) and will contain an area of approximately 0.85 hectares (2.1 acres). The retained parcel will contain an area of approximately 30.1 hectares (74.4 acres).

There was suggestion from the committee suggested that the application be deferred, as the applicant had not yet arrived. The applicant then arrived late, to which he apologized. He stated that they are building a new house on another property, hence the surplus dwelling. The size of the proposed lot is due to the location of the driveway to the accessory building.

Member Gould asked if the applicant was amenable to working with staff to amend the application. The application said yes, but that he is not sure that the lot can be reduced, and that the application is not taking any farmland out of production. Member Gould said that staff may have suggestions to make the situation better. The applicant reiterated his comments. Member Snyder asked whether there are trees around the driveway. The applicant said yes. Member Snyder then said that he felt that the proposal, as configured, seems reasonable, given the existing situation and despite the policy existing. Member Bartlett concurred with the comments of Member Snyder. He felt that there are policies set out, but that the committee has some leeway to approve special circumstances, and he felt that this is such a case. Member Bowman asked for comment from staff as to why they recommended deferral. The planner says that in the case of heritage or landscape features, there is room to approve larger lot. Staff did not feel that the driveway met this criteria, and that there was room to work with the applicant.

Discussion continued regarding the situation regarding the difficulty for the applicant to move the driveway to reduce the proposed lot size, and the possibility to reduce the number of driveways off Concession 3 Road.

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 **John Sheppard**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have frontage of approximately 107.6 metres (353 feet) and will contain an area of approximately 0.85 hectares (2.1 acres). The retained parcel will contain an area of approximately 30.1 hectares (74.4 acres). **Concession 3, Part Lots 1 and 2, Registered Plan 18R5389 Parts 1,3 & 4, Geographic Township of Rainham, known municipally as 87 Concession 3 Road**

MOTION TO DEFER

DECISION: Member Bartlett: No
Member Bowman: No
Member Gould: No
Member Snyder: No
Member Wagter: No
DEFEATED (0 votes to 5)

MOTION TO APPROVE

DECISION: Member Bartlett: Yes
Member Bowman: Yes
Member Gould: Yes
Member Snyder: Yes
Member Wagter: Yes
APPROVED (5 votes to 0)

- 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 zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
 3. That 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, with a frontage of approximately 107.6 metres (353 feet) and will contain an area of approximately 0.85 hectares (2.1 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 and

astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 2022, after which time this consent will lapse.

REASONS: The Committee believes that the application is a good use of the land.

B) PLB-2021-140 Fingerprint Homes Ltd.

Present: Adam Moote, agent

The proposal is to sever a vacant lot for future residential development. The severed parcel will have a frontage of approximately 46.3 metres (151.9 feet) and will contain an area of approximately 0.46 hectares (1.14 acres). The retained parcel will have a frontage of approximately 23.15 metres (76 feet) and contain an area of approximately 0.23 hectares (0.57 acres).

The agent stated that they were happy with the report. Member Bowman asked about the public consultation strategy, and why it was not done. Staff stated that this has been a requirement on applications that involve lot creation for a number of years. It is a County requirement, not a Planning Act requirement. Member Gould asked if this criteria that is enforceable. The planner states that it is a County requirement to ensure that neighbours are aware of the application, and it is not a legal requirement. It was suggested that it is possible that, with the 50% reduction of staff presence in the office, it is possible that it was missed in review.

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 **Fingerprint Homes Ltd.**, to sever a vacant lot for future residential development. The severed parcel will have a frontage of approximately 46.3 metres (151.9 feet) and will contain an area of approximately 0.46 hectares (1.14 acres). The retained parcel will have a frontage of approximately 23.15 metres (76 feet) and contain an area of approximately 0.23 hectares (0.57 acres). **Concession 4 South of Dover Road, Part Lot 6, Registered Plan 18R6973 Part 3, Geographic Township of Dunn, known municipally as 3248 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 Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 3. 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, with a frontage of approximately 46.3 metres (151.9 feet) and will contain an area of approximately 0.46 hectares (1.14 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 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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 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-2021-148 William Jacob Cronk

Present: Adam Moote, agent
William Cronk, applicant

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 3.6 hectares (8.9 acres). The property is to provide additional space and to provide access for the benefitting lands.

The agent believes that there is a differing of opinion between the applicant and staff regarding the assessment of policy. The applicant intends to use the land for farming, as well as building a house on the expanded property. If they are not granted the boundary adjustment, the small lot would not be useable, and that the parcel would be landlocked, and that they would require an easement for access.

In terms of the Places to Grow, the agent contends that the boundary adjustment would enhance agricultural use of the property, despite staff's contention that it would not. The agent further contends that the 8.9 acres involved in the boundary adjustment would not be lost to agriculture, but that the land (minus the area required for the house) would continue to be used agriculturally, as they would be accessed from the south, as opposed to going over Sandusk Creek, and there would be taxes generated if the boundary adjustment were granted.

The agent also said that the applicant is willing to work with staff to amend the application if it means that the proposal can be approved. The applicant then gave a short history of the

property. He stated that the land in question has never been workable. Member Bartlett stated that he was familiar with the property, having worked on it many years ago. He asked the applicant why they had decided to go through the boundary adjustment process, as opposed to using the natural severance process. The applicant replied that, through discussions with his agent, a boundary adjustment was deemed the most feasible and sensible was to approach the need. Member Bartlett then concurred with the applicant's ascertainment that Sandusk Creek is not easily crossable, and that he felt that it may make sense to approve the boundary adjustment. Member Gould asked for clarification of ownership of the various parcels in the application, which was given. Member Gould then said that the boundary adjustment would make the lot buildable, and would allow the owner to avoid the natural features there.

There was then a discussion on the relative merits of the application, including concerns about access onto the subject property as referenced by the letter from neighbours Brian and Rebecca VanBenthem that was distributed to the committee. These concerns were addressed by the applicant. There was suggestion from the committee that the line could align to the contours of the creek. The applicant responded by saying that he would be agreeable to this suggestion.

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 **William Jacob Cronk**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 3.6 hectares (8.9 acres). The property is to provide additional space and to provide access for the benefitting lands. **Concession 1, Part Lot 16, Geographic Township of Walpole, known municipally as 333 Brooklin Road**

MOTION TO REFUSE

DECISION: **Member Bartlett: No**
 Member Bowman: No
 Member Gould: No
 Member Snyder: No
 Member Wagter: No
 DEFEATED (0 votes to 5)

MOTION TO DEFER

DECISION: **Member Bartlett: Yes**
 Member Bowman: Yes
 Member Gould: Yes
 Member Snyder: Yes
 Member Wagter: Yes
 APPROVED (5 votes to 0)

REASONS: To give the applicant the opportunity to work with County staff to amend the proposal.

CONSENTS & RELATED MINOR VARIANCES:

A) PLB-2021-144 & PLA-2021-145 **Travis Sheldrake and Erin Roberts**

Present: Erin Roberts, applicants

In **PLB-2021-144**, the proposal is to sever a vacant lot for future residential development. The severed parcel will have a frontage of approximately 27.1 metres (89 feet) and will contain an area of approximately 0.19 hectares (0.47 acres). The retained parcel will also have a frontage of approximately 27.1 metres (89 feet) and contain an area of approximately 0.19 hectares (0.47 acres). In **PLA-2021-145**, relief is requested from the lot frontage provisions of the Hamlet Residential Zone of Zoning By-law HC-1 2020 to permit the deficiencies created by the concurrent consent application.

No comments from the applicant or the committee.

The Committee made the following decision:

PLB-2021-144

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 **Travis Sheldrake and Erin Roberts**, to sever a vacant lot for future residential development. The severed parcel will have a frontage of approximately 27.1 metres (89 feet) and will contain an area of approximately 0.19 hectares (0.47 acres). The retained parcel will also have a frontage of approximately 27.1 metres (89 feet) and contain an area of approximately 0.19 hectares (0.47 acres). **Haldimand Tract, Part Lot 24, Registered Plan 18R1666 Part 1, Geographic Township of Dunn, known municipally as 51 Haldimand Trail**

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. 6413, if further

clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

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. 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.
5. Receipt of confirmation from the owner of the location of the well/cistern on the severed parcel prior to the signing of the certificate by the Secretary-Treasurer.
6. Receipt of final approval of the concurrent minor variance. For further information, please contact Planning Staff at 905-318-5932.
7. 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.
8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 27.1 metres (89 feet) and will contain an area of approximately 0.19 hectares (0.47 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 21, 2022, after which time this consent will lapse.

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

PLA-2021-145

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 **Travis Sheldrake and Erin Roberts**, requesting relief from the lot frontage provisions of the Hamlet Residential Zone of Zoning By-law HC-1 2020 to permit the deficiencies created by the concurrent consent application. **Haldimand Tract, Part Lot 24, Registered Plan 18R1666 Part 1, Geographic Township of Dunn, known municipally as 51 Haldimand Trail**

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.

MINOR VARIANCES:

A) PLA-2021-141 Ryan and Judy Schuurman

Present: Kim Hessels, agent

This application is a condition of Consent Application PLB-2021-010, approved at the March 9, 2020 Committee of Adjustment meeting. Relief is requested from the lot frontage provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020.

No comments from 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 **Ryan and Judy Schuurman**, to request relief from the lot frontage provisions of the Agricultural (A) Zone of Haldimand County Zoning

By-law HC-1 2020. **Concession 5, Part Lot 21, Geographic Township of Woodhouse, known municipally as 1706 Concession 6 Woodhouse**

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.

B) PLA-2021-147 Paul Brown

Present: Terry Brown, agent

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 a detached garage on the property.

No comments from agent. Member Bowman asked if Unity Side Road is a new hamlet. It was determined through a short discussion that the hamlet has existed for years.

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 **Paul Brown**, 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 a detached garage on the property. **Plan 63 RCP, Lot 11, Geographic Township of Seneca, Hamlet of Unity Side Road, known municipally as 17 Unity Side 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 August 17, 2021 meeting were adopted as presented.

The meeting adjourned at 10:45 am.


Chairman


Secretary-Treasurer