



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, January 23, 2018**

A meeting of the Committee of Adjustment was held on Tuesday, January 23, 2018 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

MEMBERS PRESENT:	Chair	Paul Brown
	Members	Bill Armstrong Carolyn Bowman John Gould Linda Gavey Stewart Patterson Velvette LeVatte
STAFF PRESENT	Supervisor Development Services	Peter Minkiewicz
	Planner	Justin Miller
	Secretary-Treasurer	Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2017-210	David & Donald Mattice	APPROVED
PLB-2017-211	David Mattice	APPROVED
PLB-2017-216	Dennacres Farms Ltd.	APPROVED

MINOR VARIANCES:

PLA-2017-202	Frank & Carrie Hoben	APPROVED
PLA-2017-204	Jo-Ann Savoie & Paul Robichaud	DEFERRED
PLA-2017-205	Luciana Vergamini & Anna Carpenter	APPROVED
PLA-2017-209	Brian & Jennifer O'Sullivan	APPROVED

DECLARATIONS OF PECUINARY INTEREST:

None declared

CONSENTS:

A) PLB-2017-210 David & Donald Mattice

Present: David Roe, agent

The proposal is to sever a lot containing an existing surplus farm dwelling.

Bill Armstrong asked Mr. Roe if the grain bin on the property is to be removed, to which Mr. Roe replied, it will.

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 **David & Donald Mattice**, to sever a lot containing an existing surplus farm dwelling. Part of 11, Concession 4, Geographic Township of Walpole, 851 Concession 3

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 \$286.00 for deed stamping.
 2. That a septic evaluation for severed parcel be completed and submitted 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 final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
 4. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for the 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 Kohler Roads Operations Centre. 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, irregular in shape with a lot frontage of approximately 10.5 metres (34.4

feet) containing an area of approximately 0.4 hectare (1 acre). Also, **prior to deed stamping**, 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 lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 23, 2019, after which time this consent will lapse.

REASONS: The proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017), conforms to the Haldimand County Official Plan and meets the criteria and intent of the City of Nanticoke Zoning By-law NE 1-2000.

B) PLB-2017-211 David Mattice

Present: David Roe, agent

The proposal is to sever a lot containing an existing surplus farm dwelling.

Linda Gavey asked staff if the subject dwelling is considered habitable. Staff responded that the applicants have provided a declaration of habitability.

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 **David Mattice**, to sever a lot containing an existing surplus farm dwelling. **Part of Lot 21, Concession 5, Geographic Township of Walpole, 1625 Concession 4**

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 \$286.00 for deed stamping.

2. That a septic evaluation for severed parcel be completed and submitted 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 a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for the 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 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 53 metres (174 feet) by 86 metres (282.2 feet), containing an area of approximately 0.45 hectare (1.12 acres) . Also, **prior to deed stamping**, 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 lfledder@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 January 23, 2019, after which time this consent will lapse.

REASONS:

The proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017), conforms to the Haldimand County Official Plan and meets the criteria and intent of the City of Nanticoke Zoning By-law NE 1-2000.

C) **PLB-2017-216 Dennacres Farms Ltd.**

Present: No one present

The proposal is to establish an easement for gas well purposes. The surplus farm dwelling, which will benefit from the gas well, was severed a few years ago.

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 **Dennacres Farms Ltd.**, to establish an easement for gas well purposes. **Part Lots 23 & 24, Concession 6, Geographic Township of Walpole, 1968 Concession 6**

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 \$286.00 for deed stamping.
 2. 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.
 3. Receipt of a copy of the registered reference plan of the easement, approximately 5 metres (16.4 feet) by 320 metres (1,050 feet). Also, **prior to deed stamping**, 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 lfledderus@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_1
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

4. That the above conditions must be fulfilled and the Document for easement be presented for stamping/issuance of the certificate on or before January 23, 2019, after which time this consent will lapse.

REASONS: The proposal is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Town of Haldimand Zoning By-law 1-H 86.

MINOR VARIANCES:

A) PLA-2017-202 Frank & Carrie Hoben

Present: Carrie Hoben, applicant

The proposal is to establish a two-room bed and breakfast in the existing dwelling.

It was noted that Bed & Breakfasts are permitted in all other residential zones. John Gould asked staff when the zoning by-law will be changed to permit this type of use in the R1-A zone. Peter Minkiewicz responded that the new zoning by-law will be complete in the near future.

Carrie Hoben stated that there is adequate parking area on the property to permit the parking of five cars, but that they are only asking for permission to park four vehicles at one time.

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 **Frank & Carrie Hoben**, to establish a two-room bed and breakfast in the existing dwelling. Lot 28, Plan 18M14, Urban Area of Caledonia, 54 Dunrobin Drive

DECISION: APPROVED

REASONS: The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Official Plan and Zoning By-law. It is also considered minor in nature and compatible and appropriate with surrounding development

B) PLA-2017-204 Jo-Ann Savoie & Paul Robichaud

Present: No one present

The proposal is to construct a detached garage, approximately 6.1 metres (20 feet) by 7.3 metres (24 feet). Relief is requested from the required lot area, front Yard and maximum height for accessory structures and for relief to permit an accessory structure in the front yard.

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 **Jo-Ann Savoie & Paul Robichaud**, for relief from the provisions of the Seasonal Residential Zone of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Area	1,855 square metres (19,967 square feet)	1,821 square metres (19,601 square feet)	34 square metres (366 square feet)
Front Yard Setback for Accessory Structures	9 metres (29.5 feet)	0.61 metre (2 feet)	8.39 metres (27.5 feet)
Maximum Height for Accessory Structures	4.5 metres (14.8 feet)	6.45 metres (21.2 feet)	2 metres (6.6 feet)
Accessory Uses to Residential Uses	No structure accessory to a residential use shall occupy any part of a required front yard.	Structure in front yard.	Structure in front yard.

A detached garage is proposed. **Part Lot 22, Concession 4, South of Dover Road, Geographic Township of Dunn, 173 Lighthouse Drive**

DECISION: DEFERRED

REASONS: To allow the applicants time to address concerns of County staff and the Grand River Conservation Authority.

C) PLA-2017-205 Luciana Vergamini & Anna Carpenter

Present: Jim Carpenter, representing the applicants

The applicants propose to raise and place the existing cottage on piers and construct an addition, approximately 4 metres (13.1 feet) by 9 metres (29.5 feet). Relief is requested from the required lot area, front yard setback, interior side yard (right), Section 6.15, Parking (in front yard) and front yard setback for deck.

Mr. Carpenter explained that a new septic system permit has been obtained and is now installed. The existing addition is being removed and replaced.

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 **Luciana Vergamini & Anna Carpenter**, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-H 86 shown in the chart below.

Development Standards	Required	Proposed	Deficiency
Lot Area	1,855 square metres (19,967 square feet)	571.35 square metres (6,146.2 square feet)	1,286.65 square metres (13,817.1 square feet)
Front Yard Setback	13 metres (42.7 feet)	7.6 metres (25 feet)	5.4 metres (17.7 feet)
Interior Side Yard (right)	3 metres (9.8 feet)	1 metre (3.3 feet)	2 metres (6.5 feet)
Section 6.15 Frontage on an Improved Street	Frontage on an Improved Street	Frontage on a Private Roadway	Frontage on an Improved Street

Parking In Front Yard	Maximum 1 parking space	2 parking spaces	1 parking space
Front yard setback – deck	11.5 metres (37.7 feet)	5.1 metres (17.7 feet)	6.4 metres (21 feet)

Part Lot 8, Concession 1, Geographic Township of Rainham, 15 Westmoreland Lane

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. That a septic evaluation be completed and submitted 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; and
 3. The dwelling shall not be used for year round residential purposes.

REASONS: The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Official Plan and Zoning By-law. It is also considered minor in nature and compatible and appropriate with surrounding development.

D) PLA-2017-209 Brian & Jennifer O'Sullivan

Present: Brian O'Sullivan, applicant

The proposal is to construct an accessory structure approximately 12.2 metres by 12.2 metres (40 feet by 40 feet). Relief is requested from the maximum area for accessory structures and the rear yard setback requirements.

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 **Brian & Jennifer O'Sullivan**, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-H 86 as follows:

Development Standards	Required	Proposed	Deficiency
Maximum Area for Accessory Structures	100 square metres (1,076.4 square feet)	149 square metres (1,603.8 square feet)	49 metres (29.5 feet)
Rear Yard Setback	13 metres (42.7 feet)	11 metres (36.1 feet)	2 metres (6.6 feet)

Part Lot 11, Concession 1, Geographic Township of Rainham, 4746 Rainham Road

DECISION: APPROVED

- CONDITIONS:** 1. The development shall be in accordance with the attached sketch.

REASONS: The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent

of the Official Plan and Zoning By-law. It is also considered minor in nature and compatible and appropriate with surrounding development

OTHER BUSINESS:

The minutes of the December 12, 2017 meeting were adopted as circulated.

There was discussion regarding the consent and minor variance application forms. In reference to the recent newsletter from OACA, it was noted that a signature is necessary beneath the section that states:

"For the purposes of this application, the Owner/Applicant/Agent grants permission to the members of the Committee of Adjustment and relevant County staff to enter upon the said property for inspection purposes, and the owner will not be held responsible or liable if any accident or injury occurs".

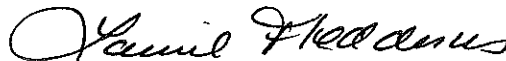
The members agreed that this section (on Page 7 of the Application for Consent and Page 6 of the Application for Minor Variance) should be signed by the applicant(s),

Staff will discuss with the Manager of Planning & Development, Mike Evers.

The meeting adjourned at 9:30 a.m.



Chairman



Secretary-Treasurer