



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, May 8, 2018**

A meeting of the Committee of Adjustment was held on Tuesday, May 8, 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	
	Secretary-Treasurer	Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2017-212	James Albert McDonald	APPROVED
PLB-2017-213	James Albert McDonald	APPROVED
PLB-2018-042	E.K. Smith & L.M. Marucci-Smith	APPROVED
PLB-2018-062	Diane Meehan, Marni Flaherty, Paul Benedetti, Brenda Flaherty & Brent Wood	APPROVED
PLB-2018-064	Jean Paul & Mary A. Hamel	APPROVED
PLB-2018-065	Kelly Creek Acres Ltd.	APPROVED
PLB-2018-066	John & Sietske Kelly	APPROVED
PLB-2018-067	Andrew & Allilson Topp	DENIED

MINOR VARIANCES:

PLA-2018-007	Spencer Creek Property Corp.	APPROVED
PLA-2018-043	E.K. Smith & L.M. Marucci-Smith	APPROVED

PLA-2018-057	Nick McGrath & Rachel Helmer	APPROVED
PLA-2018-058	Ken & Nancy Zantingh	APPROVED
PLA-2018-063	Zeldenrust Acres Ltd.	APPROVED

CHANGE TO CONDITION REQUEST:

PLB-2018-023	Clark Farming Ltd.	CONDITION CHANGED
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DECLARATIONS OF PECUINARY INTEREST:

None declared

CONSENTS:

A) PLB-2017-212 James Albert McDonald

Present: James Albert McDonald, applicant
Ed McCarthy, solicitor

The proposal is to sever a parcel of land as a boundary adjustment.

Mr. McCarthy explained the history of the two properties. The existing lots are too small to develop. The surrounding farm is not good farmland and is not currently being farmed. He explained that the proposal is not to create a new lot, but to turn an existing lot into a buildable lot.

Meagan Ferris explained the policies for boundary adjustments. There must be a legal and technical reason for approval of the applications. She also noted that the strip of land in PLB-2017-213 is not a lot. The existing lot in PLB-2017-212 is considered a lot of record and could be developed with the benefit of a minor variance. Even though the subject farmlands are not currently farmed, there is potential for them to be.

Bill Armstrong noted that the lands are not suitable for farming. Currently the two lots exist and by approving the applications, no new lots will be created. Enlarging the existing lots, making them buildable, will be a benefit to Haldimand County with regard to taxes.

John Gould asked when these lots were created, to which Mr. McCarthy replied that they were created in the 1960's when there were no severance laws. In those days, lawyers drew up deeds for parcels.

Stewart Patterson stated that he agrees with Bill Armstrong, that the lots are already existing and the enlargements will be a benefit to the County.

John Gould did not agree.

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 **James Albert McDonald**, to sever a parcel of land as a boundary adjustment. **Part Lot 16, Concession 1, Geographic Township of Walpole, 861 South Coast Drive**

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. 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 James Albert McDonald and Charles Edward McCarthy and further identified as Roll No. 2810-332-002-56300, 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 James Albert McDonald and Charles Edward McCarthy and further identified as Roll No. 2810-332-002-56300.
 4. 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.
 5. 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 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. 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.

8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 87.5 metres (287 feet) and containing an area of approximately 0.56 hectare (1.38 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 lfedderus@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 May 8, 2019, after which time this consent will lapse.

REASONS: Does not impede any potential to the farming of the lands.

B) PLB-2017-213 James Albert McDonald

Present: James Albert McDonald, applicant
C. Edward McCarthy, solicitor

The proposal is to sever a parcel of land as a boundary adjustment.

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 **James Albert McDonald**, to sever a parcel of land as a boundary adjustment. **Part Lot 16, Concession 1, Geographic Township of Walpole, 861 South Coast Drive**

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. 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 James Albert McDonald and David Adwin McDonald and further identified as Roll No. 2810-332-002-56500, 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 James Albert McDonald and David Adwin McDonald and further identified as Roll No. 2810-332-002-56500.
 4. 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.
 5. 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 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. 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.
 8. Receipt of a copy of the registered reference plan of the severed parcel, approximately 53.6 metres (176 feet) by 64 metres (210 feet) and

containing an area of 0.34 hectare (0.85 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before MY 8, 2019, after which time this consent will lapse.

REASONS: Does not impede any potential to the farming of the lands.

C) PLB-2018-042 E.K. Smith & L.M. Marucci-Smith

Present: Earl Smith & Linda Marucci-Smith

The proposal is to sever a lot for residential purposes.

Bill Armstrong noted, that in the report it states "*An archaeological assessment was not completed on the subject lands. The holding provision on the property will remain until the archaeological assessment and other requirements of the holding provision are addressed. Further, the other requirements will be addressed via the associated severance proposal.*" He asked if this should be reflected in the conditions of approval, to protect a future buyer.

Meagan Ferris responded that this is noted in the zoning by-law and in the property file so there is no need for such a condition.

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 **E.K. Smith & L.M. Marucci-Smith**, to sever a lot for residential purposes. **Part Lot 24, Concession 4 South of Dover Road, Geographic Township of Dunn, 8 Lighthouse Drive**

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. Receipt of final approval of the required minor variance (PLA-2018-043)
 3. That a septic evaluation for retained 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.
 4. 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. 6407, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
 5. 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 the Supervisor, Project and Municipal Drains at 905-318-5932, ext. 6407, for further clarification.
 6. 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 severed parcel. 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.
 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, approximately 43.68 metres (143.3 feet) by 130 metres (426.7 feet), containing an area of approximately 0.6 hectare (1.5 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 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 8, 2019, after which time this consent will lapse.

REASONS: The proposal complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan and meets the intent and purpose of the Town of Dunnville Zoning By-law 1-DU-80.

D) PLB-2018-062 Diane Meehan, Marni Flaherty, Paul Benedetti, Brenda Flaherty & Brent Wood

Present: Brent Wood, applicant

The proposal is to sever a lot for seasonal residential purposes.

With regard to staff's comment in the report regarding the natural draining of water through the proposed severed lands, Bill Armstrong commented that it should not be of concern by this Committee.

Meagan Ferris responded that the comment was noted in the report to highlight that the situation exists.

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 **Diane Meehan, Marni Flaherty, Paul Benedetti, Brenda Flaherty & Brent Wood**, to sever a lot for seasonal residential purposes. **Lot 95 and Part Lot 96, Plan 21074, 45 Lakeside Drive**

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 \$350.000 and a fee of \$286.00 for deed stamping.
 2. 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.

3. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact Planning & Development at 905-318-5932, ext. 6220 for details.
4. That a septic evaluation for the severed and retained 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
5. 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.
6. 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 severed and retained lands. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
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, approximately 18.29 metres (60 feet) by 33.27 metres (109 feet) and containing an area of approximately 608.6 square metres (6,551 square 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:

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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:
Angular Unit:

Greenwich
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 May 8, 2019, after which time this consent will lapse.

REASONS:

1. The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan and meets the intent and purpose of the City of Nanticoke Zoning By-law NE 1 2000; and
2. Committee considered the written submission received on this application, the effect of which helped the Committee to make an informed decision.

E) PLB-2018-064 Jean Paul & Mary A. Hamel

Present: Jean Paul & Mary A. Hamel, applicants

The proposal is to sever a lot containing an existing dwelling and shed.

Bill Armstrong suggested that a condition be imposed that the existing cottage be removed. Members agreed.

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 **Jean Paul & Mary A. Hamel**, to sever a lot containing an existing dwelling and shed. **Part Lot 6, Concession 1 from Lake Erie, Geographic Township of Moulton, 2695 Northshore Drive**

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 and retained parcels 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. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact Planning & Development at 905-318-5932, ext. 6220 for details.
 4. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and

Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, for further clarification.

5. 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
6. 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.
7. That the existing dwelling located on the retained lands be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
8. That 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.
9. Receipt of a copy of the registered reference plan of the severed parcel, approximately 18.29 metres (60 feet) by 49.07 metres (161 feet) with an area of approximately 0.09 hectare (0.22 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 lfedderus@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

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 8, 2019, after which time this consent will lapse.

REASONS: The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan and meets the intent and purpose of the Town of Dunnville Zoning By-law 1-DU-80.

F) PLB-2018-065 Kelly Creek Acres Ltd.

Present: Greg Hedley, solicitor

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

Mr. Hedley explained that the proposed severed lands are located entirely within the Mineral Aggregate designation of the Haldimand County Official Plan.

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 **Kelly Creek Acres Ltd.**, to sever a lot containing an existing surplus farm dwelling and accessory structure. **Part Lot 5, 3RD Cross Concession, Geographic Township of Moulton, 362 Booker 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 \$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 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 the Supervisor, Project and Municipal Drains at 905-318-5932, ext. 6407, 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 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, approximately 55 metres (180.4 feet) by 71 metres (233 feet), containing an area of approximately 0.39 hectare (0.96 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 May 8, 2019, after which time this consent will lapse.

REASONS: The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Dunnville Zoning By-law 1-DU 80.

G) PLB-2018-066 John & Sietske Kelly

Present: Greg Hedley, solicitor

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structures and establish an easement, over the retained lands, for underground hydro purposes,

Mr. Hedley explained that his clients are wanting to reduce the proposed lot to a rectangular shape. A revised applicant's sketch was provided to the Committee. An underground hydro line exists and an easement is also proposed, the exact location of which has not yet been determined.

Meagan advised the Committee that staff sees the amendment to the application as minor.

There was discussion regarding the depth of the proposed lot, some members would like to see it reduced. The applicant wishes to keep the shed located at the rear and must meet the setbacks. Stewart Patterson asked if the shed can be moved, to which Mr. Hedley replied that the shed is on a concrete foundation and cannot be moved.

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 & Sietske Kelly**, to sever a lot containing an existing surplus farm dwelling and accessory structures and establish an easement, over the retained lands, for underground hydro purposes. **Part Lots 22, 23 & 24, Concession 2 from Grand River, Geographic Township of Moulton, 650 Inman Road**

DECISION: APPROVED as amended, per the revised, sketch attached to the decision

- 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 the derelict building located on the retained lands be removed to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
 3. That a septic evaluation for retained 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.
 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 the Supervisor, Project and Municipal Drains at 905-318-5932, ext. 6407, for further clarification.
 5. 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 severed parcel and that the existing entrance on the severed lands be upgraded to the County's requirements. 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.

6. That the access to the abutting property, identified by roll # 2810-023-006-00975, be removed to the satisfaction of Planning staff.
7. 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.
8. 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.
9. Receipt of a copy of the registered reference plan of the severed parcel, with an approximate frontage of 20 metres (65.6 feet) and an area of approximately 0.81 hectare (2 acres) as well as the easement, on the retained lands, for hydro purposes 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 lfiedderus@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

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 8, 2019, after which time this consent will lapse.

REASONS:

1. The proposal is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-DU 80; and
2. The change to the proposal is considered minor and no further public notice is required.

H) PLB-2018-067 Andrew & Alison Topp

Present: Andrew Topp, applicant

The proposal is to sever a parcel of land as a boundary adjustment.

Mr. Topp explained that the proposed purchaser of the severed lands wishes to grow trees on the property. He also explained that this portion of the farm is difficult to farm with large farm equipment.

Bill Armstrong noted that this is not a good reason to take productive farmland out of production.

All members were in favour of refusal of the application.

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 **Andrew & Alison Topp**, to sever a parcel of land as a boundary adjustment. **Part Lot 3, Dochstader Tract, Geographic Township of Canborough, Haldimand Road 17**

DECISION: DENIED

REASONS: The proposal is not consistent with the Provincial Policy Statement 2014, and Province's Growth Plan and does not conform to the Haldimand County Official Plan

MINOR VARIANCES:

A) PLA-2018-007 Spencer Creek Property Corporation

Present: Robert Miles, applicant

The proposal is to construct an accessory structure. The applicant is requesting relief from the provisions of the Town of Haldimand Zoning By-law 1-H 86 from the maximum area for accessory structures and from the minimum lot frontage requirements.

Stewart Patterson asked staff why they are recommending a maximum height of 6 metres, when the zoning by-law permits 6.5 metres.

Meagan Ferris responded that this is to ensure the building height is consistent with other structures in the neighbourhood.

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 **Spencer Creek Property Corporation**, for relief from the provisions of the Agricultural Zone of the Town of Haldimand Zoning By-law 1-HA 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Maximum Area Accessory Structure	200 square metres (2,153 square feet)	263 square metres (2,831 square feet)	63 square metres (678 square feet)
Minimum Lot Frontage	36 metres (18 feet)	30 metres (98.4 feet)	6 metres (19.6 feet)

Lot 8, Plan 108, Geographic Township of North Cayuga, 47 Charles Cullen Parkway

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. That the proposed structure shall be subject to a heightened building design requirement, in accordance with elevation plan drawings, SK-5 & SK-6, produced by J.P Samuel & Associates Inc., dated December 5, 2017, and attached to the decision, which applies board and batten and stone trim on all four sides of the structure;
 3. The accessory structure shall not be used for human habitation;
 4. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6409, for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process;
 5. That prior to the issuance of a building permit, that the property owner provide confirmation of the easement on the subject lands, including confirmation from the proponent's solicitor that the subject proposal does not infringe on the easement location nor offend the easement intent and requirements; and
 6. The proposed height of the structure shall be no more than 6.0 metres (19.6 feet).

REASONS: The 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-2018-043 E.K. Smith & L.M. Marucci-Smith

Present: Earl Smith & Linda Marucci-Smith, applicants

This application is filed in conjunction with Consent Application PLB-2018-042. Relief is requested from the provisions of the Hamlet Residential Zone of Zoning By-law 1-DU 80 from the lot frontage and lot area on both the severed and retained lands.

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 **E.K. Smith & L.M. Marucci-Smith**, for relief from the provisions of the Hamlet Residential Zone of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Area (severed lands)	11,900 square metres (128,090.5 square feet)	5,828 square metres (62,732 square feet)	6,072 square metres (65,358.5 square feet)
Lot Area (retained lands)	11,900 square metres (128,090.5 square feet)	6,346 square metres (68,307.7 square feet)	5,554 square metres (59,782.8 square feet)
Lot Frontage (severed lands)	88.7 metres (291 feet)	43.68 metres (143.3 feet)	45.02 metres (147.7 feet)
Lot Frontage (retained lands)	88.7 metres (291 feet)	45.72 metres (150 feet)	42.98 metres (141 feet)

Part Lot 24, Concession 4 South of Dover Road, Geographic Township of Dunn, 8 Lighthouse Drive

DECISION: APPROVED

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

REASONS: The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent and purpose of the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU-80. It is also considered minor in nature and appropriate development

Part Lot 24, Concession 4 South of Dover Road, Geographic Township of Dunn, 8 Lighthouse Drive

C) PLA-2018-057 Nick McGrath & Rachel Helmer

Present: Nick McGrath & Rachel Helmer, applicants

The applicants propose to construct a storage building 9.1 metres by 15.2 metres (30 feet by 50 feet) in size and recognize two existing accessory structures. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law NE-1 2000 from the maximum permitted area for accessory structures.

A letter from neighbouring property owners David & Claudette Lewis was read aloud by the Secretary-Treasurer. The Lewis' have no objections to the proposed storage building.

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 **Nick McGrath & Rachel Helmer**, for relief from the provisions of the 'Agricultural (A)' Zone of Zoning By-law NE-1 2000 as follows:

Development Standards	Required	Proposed	Deficiency
Maximum Area for Accessory Structures	100 square metres (1,076 square feet)	161 square metres (1,740 square feet)	61 square metres (664 square feet)

Part Lot 7, Concession 2, Geographic Township of Walpole, 2551 Rainham Road

DECISION: APPROVED

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

REASONS: The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent and purpose of the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU-80. It is also considered minor in nature and appropriate development

D) PLA-2018-058 Ken & Nancy Zantingh

Present: Ken Zantingh, applicant

The proposal is to construct an addition to the existing garage. Permission is requested to expand a legal non-conforming use as the subject lands are located in the Hazard Land Zone of Zoning By-law 1-DU 80.

Mr. Zantingh had no comments or questions.

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 **Ken & Nancy Zantingh**, for permission to expand a legal non-conforming use as the subject lands are located in the Hazard Land Zone of Zoning By-law 1-DU 80. **Part Lots 10 & 11, Range 2 from Grand River, Geographic Township of Moulton, 192 Inman Road**

DECISION: APPROVED

CONDITIONS:

1. The development shall be in accordance with the attached sketch;
2. That a permit from the Grand River Conservation Authority be obtained prior to the issuance of a building permit from the County;
3. That proof of legal access over the adjacent lands be provided to the satisfaction of the County;
4. 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 (in Dunnville) at 905-318-5932, for further clarification.

REASONS: The permission requested 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

E) PLA-2018-063 Zeldenrust Acres Ltd.

Present: Chris Attema, agent
Herman DeHaan, applicant

The proposal is to expand the existing dairy barn and relocate the existing manure lagoon. Relief is requested from provisions of Section 30.3 (a) of the 'Agricultural (A)' zone of the Town of Dunnville Zoning By-law 1-DU 80 for the following deficiencies from the Minimum Distance Separation (MDS) guidelines from the setback for the livestock barn and manure storage facility.

Mr. Attema explained that applicants try to comply with MDS requirements, but it is not always possible.

It is noted that staff is in support of the request. Stewart Patterson stated that the MDS guidelines are important, but in this case, the proposal is acceptable.

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 **Zeldenrust Acres Ltd.** for relief from the provisions of Section 30.3 (a) of the 'Agricultural (A)' zone of the Town of Dunnville Zoning By-law 1-DU 80 for the following deficiencies from the Minimum Distance Separation (MDS) guidelines to permit the expansion of the existing dairy barn and manure storage facility:

Structure/Use	Required MDS Setback	Proposed Setback	Deficiency
Livestock Barn	192 metres (630 feet)	110 metres (360 feet)	82 metres (269 feet)
Manure Storage	353 metres (1,160 feet)	165 metres (542 feet)	188 metres (616 feet)
Livestock Barn – setback from road allowance	38 metres (124.6 feet)	36 metres (118 feet)	2 metres (6.5 feet)

Part Lot 12, Concession 1, Geographic Township of Canborough, 7904 Canborough Road

DECISION: APPROVED

CONDITIONS: 1. Development shall be substantially in accordance with the attached sketch.

REASONS: The relief requested is consistent with the Provincial Policy Statement (2014); complies with the Provincial Growth Plan; maintains the intent and purpose of the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU 80, and represents a minor and appropriate development for the subject area

CHANGE TO CONDITION REQUEST:

A) PLB-2018-023 Clark Farming Ltd.

Present: Peter Murray, solicitor

Consent application PLB-2018-023 was originally approved on March 13, 2018. The purpose of this consent application was to sever a surplus farm dwelling on a lot 48.7 metres (159.8 feet) by 123.4 metres (405 feet), containing an area of approximately 0.6 hectare (1.48 acres). Condition

No. 2 of the Committee's decision requires that the proposed severed and retained parcels, be transferred into the name of Clark Farming Ltd., prior to the signing of the certificate by the Secretary-Treasurer.

The applicant's solicitor has submitted a request that the wording of the condition be changed from "Clark Farming Ltd." To "2631777 Ontario Inc."

PURSUANT to Subsection 23 of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the request for change to conditions by Clark Farming Ltd.,

That Condition No. 2 of the Committee of Adjustment decision dated March 13, 2018 be amended to read as follows:


2. Receipt of confirmation that the subject lands, including the proposed severed and retained parcels, have been transferred into the name of 2631777 Ontario Inc, prior to the signing of the certificate by the Secretary-Treasurer."

REASON: Proof has be provided that 2631777 Ontario Inc. owns another property that contains a dwelling and therefore qualifies for the severance of a surplus farm dwelling.

OTHER BUSINESS:

The minutes of the April 10, 2018 meeting were adopted as amended.

The meeting adjourned at 10:30 a.m.



Chairman



Secretary-Treasurer