



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, July 10, 2018**

A meeting of the Committee of Adjustment was held on Tuesday, July 10, 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	Benjamin Kissner
		Secretary-Treasurer	Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2018-115	Carole Silverthorne	DEFERRED
PLB-2018-117	Island View Farm Inc.	APPROVED
PLB-2018-120	Timothy & Nicole Montague	APPROVED
PLB-2018-123	James & Allan Parke	APPROVED

CONSENTS & RELATED MINOR VARIANCES:

PLB-2018-105 & PLA-2018-106	Wray S. Carpenter	APPROVED
PLB-2018-109 & PLA-2018-110	Steve Bugarija	APPROVED

MINOR VARIANCES:

PLA-2018-016	Alfred Guidice	APPROVED
PLA-2018-108	Dale & Bobbi-Jo Furze	APPROVED

PLA-2018-113	G. Bruce & M. Laurie MacDonald	APPROVED
PLA-2018-116	William O'Brien	DEFERRED
PLA-2018-118	Carey & Carol Crumb	APPROVED
PLA-2018-122	Michael DiFrancesco	APPROVED
PLA-2018-085	R. Duncan Smith & Sue St. Michael	APPROVED

DECLARATIONS OF PECUINARY INTEREST:

None declared

CONSENTS:

A) PLB-2018-115 Carole Silverthorne

Present: David Roe, agent
William O'Brien, prospective purchaser of severed lands

The proposal is to sever a parcel of land as a boundary adjustment to be added to the abutting lands to the south.

It was noted that a public notice sign was not posted on the subject lands. The posting of a public notice sign is required under the *Planning Act*.

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 **Carole Silverthorne**, to sever a parcel of land as a boundary adjustment to be added to the abutting lands to the south. **Part Lot 5, Concession 4 SDR, Geographic Township of Dunn, 13 Bates Lane**

DECISION: DEFERRED

REASONS: To allow the applicant an opportunity to post the public notice sign for the required period of time.

B) PLB-2018-117 Island View Farm Inc.

Present: Larry Humenik, solicitor for applicant

The proposal is to convey an existing easement, currently used by an abutting property owner as access to their property.

Benjamin Kissner explained to Committee members that a condition (Condition 2 of the staff report) is recommended as follows: *“That the solicitor acting in the transfer shall provide*

Haldimand County with proof that if any of the owners of the adjacent land-locked properties have legal access through the subject lands, this access shall not be encumbered or affected by this consent.”

Mr. Humenik asked why a one foot square parcel is required from the recipient lands. Staff explained that it is required to ensure the severed lands can merge in title with the recipient lands.

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 **Island View Farm Inc.**, to convey an existing easement, currently used by an abutting property owner as access to their property. **Part Lot 45, Broken Front, Geographic Township of Oneida, River Road**

DECISION: APPROVED

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$281.00 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 Raymond James Elgersma & Janelle Joy Elgersma and further identified as Roll No. 2810-153-005-00200, if required.
 2. That the solicitor acting in the transfer shall provide Haldimand County with proof that if any of the owners of the adjacent land-locked properties have legal access through the subject lands, this access shall not be encumbered or affected by this consent.
 3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
 4. That the severed parcels become part and parcel of the abutting lands presently owned by Raymond James Elgersma & Janelle Joy Elgersma and further identified as Roll No. 2810-153-005-00200.
 5. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
 6. 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.

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 6.1 metres (20 feet) by 207.3 metres (680 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_D_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 July 10, 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 Haldimand Zoning By-law 1-H 86

C) PLB-2018-120 Timothy & Nicole Montague

Present: Ed McCarthy, solicitor for the applicants

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

Bill Armstrong asked if the building height meets the zoning by-law restriction, to which Benjamin Kissner replied that it did.

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 **Timothy & Nicole Montague**, to sever a lot containing an existing surplus farm dwelling and accessory structures. **Part Lot 12, Concession 9, Geographic Township of Walpole, 1611 Sandusk 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. Receipt of confirmation that the subject lands, including the proposed severed and retained parcels, have been transferred into the names of Timothy & Nicole Montague, prior to the signing of the certificate by the Secretary-Treasurer.
 3. 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.
 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 irregular shaped, severed parcel, approximately 45.75 metres (150 feet) containing an area of approximately 0.51 hectare (1.26 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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 10, 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 City of Nanticoke Zoning By-law NE-1 2000

D) PLB-2018-123 James & Allan Parke

Present: Brynne O'Neill, agent

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

Ms. O'Neill asked if Condition No. 10 of the staff report, relating to future road upgrades, can be removed. Benjamin Kissner responded that this requirement can be handled through the site plan process and he had no problem with the condition being removed.

Some Committee members felt that regard for the retention of farmland was not being considered in the staff report. It was noted that a zoning amendment, related to this proposal was approved by Council in June of this year. Peter Minkiewicz advised that there was reasonable justification for the approval.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **James & Allan Parke**, to sever a parcel of land as a boundary adjustment. **Part Lot 7, Range 1 East of Plank Road, Geographic Township of Seneca, 15 Haldimand Road 66**

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 \$281.00 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 Central Canadian District of the Christian and Missionary Alliance in Canada and further identified as Roll No. 2810-152-005-10220, 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 Central Canadian District of the Christian and Missionary Alliance in Canada and further identified as Roll No. 2810-152-005-10220.
 4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time

of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.

5. That a septic evaluation be completed and submitted to the Haldimand County Building Controls and By-law Enforcement Division for approval, if required. (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.
6. 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.
7. 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. 6409, for further clarification.
8. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication, have been satisfied. A dedication to the County, of property along the lot frontage/flankage, is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
9. 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.
10. 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.

11. Receipt of a copy of the registered reference plan of the severed parcel, approximately 103.8 metres (340.5 feet) by 201.4 metres (660.8 feet), containing an area of approximately 3.4 hectares (8.4 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:

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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_D_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

12. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 10, 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 Haldimand Zoning By-law 1 H-86

CONSENTS & RELATED MINOR VARIANCES:

A) PLB-2018-105 & PLA-2018-106 Wray S. Carpenter

Present: Ed McCarthy, solicitor for the applicant

The proposal is to sever a lot for residential purposes. Both the severed and retained lands will be deficient in lot area and lot frontage. Relief is requested from those requirements of Zoning By-law 1-H 86.

Mr. McCarthy had no questions or comments.

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 **Wray S. Carpenter**, to sever a lot for residential purposes. **Part Lot 2, Concession 9, Geographic Township of Rainham, 11 Old Talbot 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 \$250.00 and a fee of \$286.00 for deed stamping.
 2. Receipt of final approval of the required minor variance PLA-2018-106.
 3. 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.
 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. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
 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 27.43 metres (90 feet) by 55.29 metres (181.4 feet), containing an area of approximately 0.14 hectare (0.34 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 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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 10, 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 Haldimand Zoning By-law 1-H 86

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 **Wray S. Carpenter, for relief** from the provisions of the Town of Haldimand Zoning By-law 1-H 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Area (severed lot)	1,855 square metres (19,967 square feet)	1,447 square metres (15,575.4 square feet)	408 square metres (4,392 square feet)
Lot Frontage (severed lot)	30 metres (98.4 feet)	27.4 metres (90 feet)	2.6 metres (8.5 feet)
Lot Area (retained lot)	1,855 square metres (19,967 square feet)	1,529 square metres (16,458 square feet)	326 square metres (3,509 square feet)
Lot Frontage (retained lot)	30 metres (98.4 feet)	27.4 metres (90 feet)	2.6 metres (8.5 feet)

Part Lot 2, Concession 9, Geographic Township of Rainham, 11 Old Talbot Road

DECISION: APPROVED

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 of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1-H-86; however, the proposal is minor in nature and represent appropriate development

B) PLB-2018-109 & PLA-2018-110 Steve Bugarija

Present: Steve Bugarija, applicant

The proposal is to sever a lot for residential purposes. The proposed severed and retained lots will have deficiencies and require relief from the provisions of Zoning By-law 1-DU 80.

Bill Armstrong asked if the garage on the lot line is intended to be removed, to which the applicant replied that it was. A condition, to ensure removal was added (Condition 3).

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 **Steve Bugarija**, to sever a lot for residential purposes. **Lot 14, Plan 987, Urban Area of Dunnville, 149 Cross Street East**

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-2018-110).
 3. That the structure, straddling the proposed lot line, be removed to the satisfaction of the Building Controls and By-law Enforcement Division
 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. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
 6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
 7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 13.41 metres (44 feet) by 83.48 metres (274 feet) containing an area of approximately 1,087 square metres (11,700 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 lfiledderus@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:
Angular Unit:

Greenwich
Degree

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 10, 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

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 **Steve Bugarija**, for relief from the provisions of the R2 Zone of the Town of Dunnville Zoning By-law 1-DU 80 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Frontage (severed lands)	20 metres (65.6 feet)	13.41 metres (44 feet)	6.59 metres (21.6 feet)
Lot Frontage (retained lands)	20 metres (65.6 feet)	10.73 metres (35.2 feet)	9.27 metres (30.4 feet)
Front Yard Setback (retained lands)	6 metres (19.7 feet)	2.81 metres (9.2 feet)	3.19 metres (10.5 feet)
Interior Side Yard (left) (severed lands)	3 metres (9.8 feet)	2.4 metres (7.9 feet)	0.6 metre (2 feet)
Interior Side Yard (left) (retained lands)	3 metres (9.8 feet)	0.83 metres (2.7 feet)	2.17 metres (7.1 feet)
Minimum Dwelling Unit Area (retained lands)	70 square metres (753.5 square feet)	53.5 square metres (576 square feet)	16.5 square metres (177.6 square feet)

Lot 14, Plan 987, Urban Area of Dunnville, 149 Cross Street East

DECISION: APPROVED

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 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 compatible and appropriate with surrounding development

MINOR VARIANCES:

A) PLA-2018-016 Alfred Guidice

Present: David Roe, agent

The proposal is to construct a sunroom addition onto the existing seasonal dwelling. Permission to expand a legal non-conforming use is requested prior to the issuance of a building permit for the proposed construction.

This application has been on holding pending approval from the Long Point Region Conservation Authority.

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 **Alfred Guidice**, for permission to expand a legal non-conforming use to permit the construction of a sunroom addition onto the existing seasonal dwelling. **Part Lot 2, Concession 1, Geographic Township of Rainham, 90 Lakeshore Road**

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. The dwelling shall not be used for year round residential use;
 3. 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
 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. 6409, for further clarification.

- REASONS:**
1. 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 Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1-H-86; the proposal is minor in nature and does represent appropriate development; and
 2. Committee considered the written submissions received on this application, the effect of which helped the Committee to make an informed decision

B) PLA-2018-108 Dale & Bobbi-Jo Furze

Present: Dale Furze, applicant

The proposal is to construct an accessory structure. Relief is requested from the provisions of the Hamlet Residential Zone of Zoning By-law 1-DU 80.

John Gould noted that the proposed structure is very large, but as it is intended to be located at the rear of the property, it will have less of an impact.

Bill Armstrong asked if the proposed building is to be used only for personal use. Benjamin Kissner responded that a condition should be imposed that the building not be used for human habitation.

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 **Dale & Bobbi-Jo Furze**, 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
Maximum Height for Accessory Structures	6.5 metres (21.3 feet)	8.84 metres (29 feet)	2.34 metres (7.7 feet)

Part Lot 15, Concession 1 C, Geographic Township of Moulton, 946 Robinson Road

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
 2. 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; and
 3. That the accessory structure not be used for human habitation.

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 Haldimand County Official Plan and Town of Dunnville Zoning By-law 1-DU-80. It is also considered minor in nature and compatible and appropriate with surrounding development

C) PLA-2018-113 R. Bruce & M. Laurie MacDonald

Present: R. Bruce MacDonald, applicant
David Roe, representing neighbouring property owner, John Robinson

The proposal is to construct an accessory structure. Relief is requested from the provisions of the City of Nanticoke Zoning By-law NE-1 2000, from the maximum permitted accessory building height, Section 3.13, Frontage on an Improved Street and Section 3.3(f), Main Use to be Established prior to accessory use.

Mr. Roe explained that Mr. Robinson has concerns regarding the proposed location of the garage and would like it moved 15 feet to the west.

Mr. Roe explained that he had received an email from another neighbor, Anthony Mascia, regarding the proposed, long-term use of the structure.

Committee members agreed that the building should be moved 15 feet to the west, and gave the applicant and agent an opportunity to revise their drawing to reflect their request. Staff and Members agreed that this would be a “minor” change and no further public notice would be required.

Carolyn Bowman asked that a “no human habitation” condition be added as well.

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 **R. Bruce & M. Laurie MacDonald**, for relief from the provisions of Zoning By-law NE-1 2000, to permit construction of an accessory structure as follows:

Development Standards	Required	Proposed	Deficiency
Accessory Building Height	4.5 metres (14.8 feet)	4.8 metres (15.7 feet)	0.3 metre (.98 feet)
Section 3.13	Frontage on Improved Street	Frontage on Private Roadway	No Frontage on Improved Street
Section 3.3(f)	Main Use to be Established prior to accessory use	Accessory use only	No Main Use Established

Part Lot 24, Concession 2, Geographic Township of Walpole, Summerhaven Crescent

DECISION: APPROVED as amended

- CONDITIONS:**
1. The development shall be in accordance with the revised, attached sketch, submitted July 10, 2018;
 2. 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. 6409, for further clarification;
 3. That a permit be obtained from the Long Point Region Conservation Authority, prior to the issuance of a building permit; and
 4. That the proposed accessory structure not be used for human habitation.

- REASONS:**
1. The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and the City of Nanticoke Zoning By-law NE-1 2000. It is also considered minor in nature and compatible and appropriate with surrounding development.
 2. Committee considered the submission received on this application, the effect of which helped the Committee to make an informed decision

D) PLA-2018-116 William O'Brien

Present: William O'Brien
David Roe, agent for the applicant

The proposal is to to replace the existing storage building and add a loft for storage purposes. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 from the interior side (right) on the proposed structure and the interior side yard left on the existing cottage.

It was noted that the required public notice sign was not posted on the subject lands for the period of time required under the *Planning Act*.

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 **William O'Brien**, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 as shown below:

Development Standards	Required	Proposed	Deficiency
Interior Side yard (right) (proposed garage)	1.2 metres (3.9 feet)	0.45 metre (1.5 feet)	0.75 metre (2.46 feet)
Interior side yard (left) (existing cottage)	6 metres (19.7 feet)	0 metre	6 metres (19.7 feet)

Part Lot 5, Concession 4 South of Dover Road, Geographic Township of Dunn, 17 Bates Lane

DECISION: DEFERRED

REASONS: To allow the applicant an opportunity to post the public notice sign for the required period of time.

E) PLA-2018-118 Carey & Carol Crumb

Present: Carey & Carol Crumb, applicants

The proposal is to demolish the existing garage, family room and replace with a larger one. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80, from the interior side yard (right).

The applicants had no questions or comments.

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 **Carey & Carol Crumb**, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 to permit the replacement and expansion of the existing garage & family room, as follows:

Development Standards	Required	Proposed	Deficiency
Interior Side Yard (right)	6 metres (19.7 feet)	1.2 metres (3.9 feet)	4.8 metres (15.7 feet)

Part Lot 1, Clement Tract, Geographic Township of Canborough, 7786 Highway 3

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch; and
 2. Subject to the approval of the Ministry of Transportation.

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 of the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1 DU-80.

F) PLA-2018-122 Michael DiFrancesco

Present: Michael DiFrancesco, applicant

The proposal is to construct an accessory structure approximately 125 square metres (1,345.5 square feet). Relief is requested from the provisions of the R1-A Zone of Zoning By-law 1-H 86, from the maximum height and area restrictions for accessory structures.

Mr. DiFrancesco had no questions or comments.

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 **Michael DiFrancesco**, for relief from the provisions of the R1-A zone of Zoning By-law 1-H 86 as shown below:

Development Standards	Required	Proposed	Deficiency
Maximum Height for Accessory Structures	4.5 metres (14.8 feet)	6.7 metres (22 feet)	2.2 metres (7.2 metres)
Maximum Area of Accessory Structures	55 square metres (592 square feet)	125 square metres (1,345.5 square feet)	70 square metres (753.5 square feet)

Lot 18, North of Echo Street, South of Obadiah Street, Urban area of Cayuga, 47 Monture Street

DECISION: APPROVED

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch; and
 2. 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.

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 of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1 H-86. It is also considered minor in nature and compatible and appropriate with surrounding development

G) PLA-2018-085 R. Duncan Smith & Sue St. Michael

Present: Duncan Smith & Sue St. Michael, applicants
 Farron Leonard, agent
 Tom McKenna, neighbouring property owner

This application was deferred at the June 12, 2018 Committee of Adjustment meeting to allow the applicant time to address the comments/concerns of the Long Point Region Conservation Authority (LPRCA) regarding geotechnical works and maintaining an appropriate setback from the natural hazards .The proposal is to remove the existing seasonal dwelling and replace it with a new cottage.

The geotechnical review has now been completed.

Mr. McKenna expressed his support of the application.

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 **R. Duncan Smith & Sue St. Michael**, for relief from the provisions of the ‘Vacation Residential (RV)’ Zone of Zoning By-law NE-1 2000, to permit the replacement of a seasonal dwelling, as follows:

Development Standards	Required	Proposed	Deficiency
Lot Area	930 square metres (10,010.4 square feet)	442.59 square metres (4,764 square feet)	487.41 square metres (5,246.4 square feet)
Lot Frontage	18 metres (59.1 feet)	12.1 metres (39.8 feet)	5.89 metres (19.3 feet)
Front Yard Setback	9 metres (29.5 feet)	6 metres (19.6 feet)	3 metres (9.8 feet)

Lot 36, Plan 21074, Peacock Point, 72 Lakeside Drive

DECISION: APPROVED

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

2. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner\developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design Technologist at 905-318-5932, ext. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process;
3. 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;
4. That a permit be obtained from the Long Point Region Conservation Authority prior to the issuance of a building permit from the County; and
5. The rear yard deck/porch is required to maintain a minimum 4.8 metres (15.7 feet) setback from the top of bank.

REASONS: The requested relief is consistent with the Provincial Policy Statement (2014), conforms with the Province's Growth Plan, meets the intent and purpose of the City of Nanticoke Zoning By-law NE-1-2000, is minor in nature and represents appropriate development

OTHER BUSINESS:

The minutes of the June 12, 2018 meeting were adopted as amended.

The meeting adjourned at 10:10 a.m.



Chairman



Secretary-Treasurer