



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, August 14, 2018**

A meeting of the Committee of Adjustment was held on Tuesday, August 14, 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

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**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-2018-124	Kaye Barrick	APPROVED
PLB-2018-129	Shepland Farms	APPROVED
PLB-2018-132	1426586 Ontario Inc.	APPROVED

**CONSENTS & RELATED MINOR VARIANCES:**

PLB-2018-101 & PLA-2018-102	Guy & Marie Haardeng	APPROVED
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**MINOR VARIANCES:**

PLA-2018-126	Brandon & Diana Hedges	APPROVED
PLA-2018-127	John L. Cowan	APPROVED
PLA-2018-131	Tim & Teresa Hannigan	APPROVED
PLA-2018-136	Toscani Development	APPROVED

**PREVIOUSLY DEFERRED:**

PLB-2018-115	Carole Silverthorne	APPROVED
PLA-2018-116	William O'Brien	APPROVED

**DECLARATIONS OF PECUINARY INTEREST:**

None declared

**CONSENTS:**

**A) PLB-2018-124 Kaye Barrick**

Present: John Lane, agent

The proposal is to to sever a parcel of land to be used as lake access by the property owner on the north side of North Shore Drive.

Bill Armstrong asked Mr. Lane which parcel to the north, the severed lands will be tied to. Mr. Lane respond that he is the owner of 2653 North Shore Drive and will be the recipient of the severed 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 **Kaye Barrick**, to sever a parcel of land to be used as lake access by the property owner on the north side of North Shore Drive. **Part Lot 7, Concession 1 from Lake Erie, Geographic Township of Moulton, 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 the owner's solicitor provide confirmation, to the satisfaction of the Planning & Development Division, that the severed lands will be tied to the benefiting lands on the north side of the road to ensure the severed lands and the benefiting lands, if conveyed in the future, are conveyed together.
  3. 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.
  4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 61 metres (200.1 feet) by 8 metres (26.2 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 [lfladderus@haldimandcounty.on.ca](mailto:lfladderus@haldimandcounty.on.ca) and

[astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 14, 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

**B) PLB-2018-129 Shepland Farms**

Present: Tom Sheppard, applicant

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

Mr. Sheppard explained that both buildings at the rear of the property are to be removed.

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 **Shepland Farms**, sever a lot containing a surplus farm dwelling and two accessory structures. **Part Lot 20, Concession 3, Geographic Township of Walpole 1558 Concession 3 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 Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit for the retained 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.
4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 50.2 metres (164.7 feet) by 85.3 metres (280 feet) containing an area of 0.43 hectare (1.06 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](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

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Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
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6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 14, 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

**C) PLB-2018-132 1436586 Ontario Inc.**

Present: Hubert Heeg, applicant

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

Bill Armstrong suggested that the severed lands be reduced. He felt that the barn/graineries should not be included in the severed lands. John Gould agreed as the structures at the rear of the severed

lands are in poor condition and it should be the farmer's responsibility to remove. Mr. Armstrong is suggesting that the rear lot line be moved so that the rear lot line meets the required setback on the existing garage, so that a minor variance would not be required.

Staff is recommending approval as submitted and Vel Levatte stated that she agreed with staff with regard to the proposed lot size.

Carolyn Bowman asked the applicant where the access to the farm is located, to which Mr. Heeg replied that access is from Concession 13 Road.

The Committee members agreed to add a condition for reduction (Condition No. 5 below).

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 **1436586 Ontario Inc.**, to sever a lot containing an existing surplus farm dwelling and accessory structures. **Part Lots 8 & 9, Concession 13, Geographic Township of Walpole, 670 Concession 13 Road**

**DECISION: APPROVED as amended**

- 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 zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
  3. That 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. That the grain bins and the barn at the rear of the severed lands be removed to the satisfaction of the Building Controls and By-law Enforcement Division.
  5. That the lot size be reduced by moving the rear lot line to the north to where the existing garage will meet the required rear yard setback.
  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 irregular shaped severed parcel, with a frontage of approximately 16 metres (52.5 feet) and containing an area of approximately 0.94 hectare (2.3 acres) (as amended by condition 5 above). 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](mailto:lfledderus@haldimandcounty.on.ca) and

[astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

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Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
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8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 14, 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.

#### **CONSENTS & RELATED MINOR VARIANCES:**

##### **A) PLB-2018-101 & PLA-2018-102 Guy & Marie Haardeng**

Present: Marie Haardeng, applicant

In Application **PLB-2018-101**, the applicants propose to sever a lot, containing an existing dwelling and accessory structure. In Application **PLA-2018-102**, permission is requested, to allow dwellings in the Hazard Land Zone of Zoning By-law 1-DU 80. The dwellings are existing, however, the properties, which were at one time, separate, have merged in common title. This permission will be required as a condition of approval of the related Consent application.

Mrs. Haardeng had comments or questions.

The Committee made the following decision:

##### **PLB-2018-101**

**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 **Guy & Marie Haardeng**, to sever a lot, containing an existing dwelling and accessory structure. **Part of Shipyard Lot, Plan 69, Urban Area of Dunnville, 312 & 318 Front Street**

**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 the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
3. Receipt of a copy of the registered reference plan of the severed parcel, approximately 32.61 metres (107 feet) by 76 metres (249.3 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](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following

Coordinate System:

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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

4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 14, 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

**PLA-2018-102**

**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 **Guy & Marie Haardeng**, for permission to allow dwellings in the Hazard Land Zone of Zoning By-law 1-DU 80. **Part of Shipyard Lot, Plan 69, Urban Area of Dunnville, 312 & 318 Front Street**

**DECISION: APPROVED**

**REASONS:** The request 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; the proposal is minor in nature and represent appropriate development

**MINOR VARIANCES:**

**A) PLA-2018-126      Brandon & Diana Hedges**

Present: Brandon Hedges, applicant

The proposal is to demolish and reconstruct the dwelling. Permission to expand a legal non-conforming use is requested prior to issuance of a building permit for the proposed construction.  
**Part Lot 5, Concession 1, Geographic Township of Walpole, 90 Hickory Beach Lane**

Bill Armstrong noted that the location of the public notice sign was not ideal. Mr. Hedges responded that staff had advised him to post the sign at the road. Bill Armstrong asked staff to have applicants post near the civic address signs in future.

The Committee made the following decision:

**PURSUANT** to Subsection 45(2) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Brandon & Diana Hedges**, for permission to expand a legal non-conforming use. **Part Lot 5, Concession 1, Geographic Township of Walpole, 90 Hickory Beach Lane**

**DECISION: APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
  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 stormwater 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;
  3. Any new structure must maintain clearance from the Hydro One Primary Line (5 metres from centre).

**REASONS:** The request 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 City of Nanticoke Zoning By-law NE 1-2000. It is also considered minor in nature and compatible and appropriate with surrounding development

**B) PLA-2018-127      John L. Cowan**

Present: Steve Cowan, applicant



The applicant proposes to construct an accessory structure. Relief is requested from the provisions of the R1 Zone of Zoning By-law 1-DU 80 from the exterior side yard provisions.

Mr. Cowan explained that he had put stakes in the ground so Committee members and staff could see where the shed was to be located.

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 **John L. Cowan**, for relief from the provisions of the R1 Zone of Zoning By-law 1-DU 80 as shown below:

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

**Lot 1, Plan 18M36, Urban Area of Dunnville, 1 Kingfisher Place**

**DECISION: APPROVED**

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

**REASONS:** The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province’s Growth Plan (2017) and meets the general intent of the 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-2018-128 Yvon Gervais**

Present: No one present

The proposal is to construct an accessory structure. Relief is requested from the provisions of the R2 Zone of Zoning By-law 1-H 86 from the maximum accessory structure area. This relief is required prior to issuance of a building permit for the proposed construction.

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 **Yvon Gervais**, for relief from the provisions of the R2 Zone of Zoning By-law 1-H 86 as follows:

Development Standards	Required	Proposed	Deficiency
Maximum Accessory Structure Area	55 square metres (592 square feet)	83.6 square metres (900 square feet)	28.6 square metres (307.8 square feet)

**Part Lot 3, South of Orkney Street West, Urban Area of Caledonia, 118 Inverness Street**

**DECISION: APPROVED**

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

**REASONS:** The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province’s Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and the Town of Haldimand Zoning Bylaw 1 H-86. It is also considered minor in nature and compatible and appropriate with surrounding development

**D) PLA-2018-131 Tim & Teresa Hannigan**

Present: Tim & Teresa Hannigan, applicants

The applicants have received approval to create a residential lot through Consent Application PLB-2018-045. In this application, relief is requested from Section 6.25 of Zoning By-law 1-DU 80 from Section 6.25, Minimum Services.

John Gould asked the applicants when the public notice sign was posted. The response was that it was posted August 2<sup>nd</sup>, which meets the 10 day requirement under the *Planning Act*.

Bill Armstrong asked staff if the lot will be large enough to accommodate a septic system. Ben Kissner responded that, since a septic evaluation is a condition of consent, the lot cannot be created without the condition being completed.

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 Tim & Teresa Hannigan, for relief from the provisions of the Town of Dunnville Zoning By-law 1-DU 80 as follows:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Section 6.25 Minimum Services	Connection to municipal Water & Sewer	Connection to municipal water only	No municipal sewer

**Part Lots 10 & 11, Plan 1407, Urban Area of Dunnville, 790 George Street**

**DECISION: APPROVED**

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

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

**E) PLA-2018-136 Toscani Development**

Present: Gino Toscani, applicant  
Randy Charlton, Manager, Building Controls and By-law Enforcement Division  
Peter Deboer, neighbouring property owner  
Pam Bell, representing neighbouring property owner, Dennis Dureault  
Tom Collins, neighbouring property owner

Relief is requested from the provisions of Zoning By-law 1-H 86, as amended by 808-HC/13 to permit the construction of a two storey dwelling, where only a one storey dwelling is permitted.

Peter Deboer owns a business at 12 & 15 Indian Street. He stated that he is not opposed to development of these lands, but would like to see something set in place to ensure compatibility with the two zones.

He explained that a few years ago, an OMB decision allowed only single storey dwellings on specific lots in the area. In 2013, a previous owner asked to construct a two storey dwelling on the subject lands, but was denied.

When he noticed a two storey dwelling being constructed on the property, he immediately contacted the County's Building Division.

Mr. Collins commented that he feels the error was made on purpose and is sympathetic to the purchasers of the dwelling.

John Gould, asked Peter Deboer about the proposed acoustic measures within the report to be applied as conditions (triple glazing and added insulation). Mr. Deboer felt the measures were meaningless, once the window was opened, noise would still transmit. Bill Armstrong felt the measures were purely cosmetic in nature and saw no merit. Peter Minkiewicz overviewed the intent of the measures and how they have been used in land use planning to provide noise attenuation. Pam Bell, representing neighbouring property owner Dennis Dureault, explained that the don't want issues with neighbouring dwellings. A fence should be substantial, as in the previous OMB decision, an acoustic barrier. She feels that the fence should be erected before the dwelling is built.

Benjamin Kissner responded that the requirement for a fence is part of the subdivision agreement.

Bill Armstrong asked staff if this property is part of a legal subdivision, to which Peter Minkiewicz responded that Council has accepted it as a registered plan of subdivision. All components of the subdivision agreement must be adhered to. It was Mr. Armstrong's opinion that staff was clearly present to negotiate a preferred outcome as the County had made a mistake in issuing the building permit. Planning staff responded that the report and related recommendations were based upon the individual property and detailed analysis of existing policy. The application was submitted by the applicant and the County was required to consider it as an application, under the *Planning Act*.

Bill Armstrong asked Mr. Charlton why work on the dwelling has continued, even though a stop work order is posted on the property. Mr. Charlton responded that some minor works can continue, even when a stop work order has been issued. Mr. Toscani stated that he has not continued working on the dwelling.

Linda Gavey, questioned the impact of the OMB decision, the previously refused minor variance and the impact of the subdivision agreement and requested deferral for further information. Planning staff advised that the application could be considered on its own merits.

John Gould asked staff when the original application was processed, to which staff replied, in 2000. John Gould asked if there have been any Provincial policy changes since that time. Staff responded that any changes in Provincial policy will not have an effect on this application. Peter Minkiewicz explained to members that this is a unique property in that a residential use abuts an industrial use. A building permit has been issued and the construction of the dwelling has commenced, according to the terms of the building permit, which was issued in lieu of an incorrect interpretation of the zoning by-law.

Bill Armstrong stated that the fencing should be imposed on all twelve lots within the subdivision, not just the subject lands. Peter Minkiewicz responded that the current application is only for the subject lands, not the entire subdivision. Bill Armstrong responded that this Committee is being asked to fix a problem caused by County Staff. He feels that this not a minor variance and that since Council has approved the plan of subdivision, they should be dealing with this application. Carolyn Bowman agreed.

John Gould commented that this Committee has been in a similar situation in the past, the fact that the dwelling construction has commenced, should not come into play. He asked members what they would do if the dwelling was not already under construction and the lands were vacant?

Chair Paul Brown advised members that this Committee should deal only with what is before them today.

Stewart Patterson suggested that the decision be deferred, since Bill Armstrong had provided additional information on the application to the other members earlier this morning, before the public meeting.

Peter Deboer responded that he would like to see the application move forward. A mistake has been made and this Committee has the power to remedy the situation. He doesn't want to see the house taken down.

Randy Charlton explained that the fencing for the subdivision will need to be six feet high, to the satisfaction of Haldimand County. Since the fence is to be erected on top of the retaining wall, it will be much higher. The fence required for this lot will be a solid privacy fence and the remainder of the other two lots will be board on board fencing.

John Gould asked staff if a fence can be imposed along the entire subdivision, as a condition of approval, to which Peter Minkiewicz responded that a fence is already a requirement of plan of subdivision.

Bill Armstrong responded that he wants a 10 foot fence or the second storey will have to be removed. The fence should be along the entire subdivision, not just the subject lands.

Peter Minkiewicz indicated that the additional lands owned by the developer are subject to conditions, approved by Council and that the Committee of Adjustment should not change those conditions as part of this application. Any appropriate conditions should be applied to the lands which are subject to this application only.

Pam Bell stated that she is in agreement with a 10 foot fence and some trees.

The prospective purchasers of the property were in the audience and felt that a 10 foot fence is too high and will blow over in heavy winds as well as being difficult to maintain.

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 **Toscani Development**, for relief from the provisions of Zoning By-law 1-H 86, as amended by 808-HC/13 to permit the construction of a two storey dwelling, where only a one storey dwelling is permitted.

**DECISION:           APPROVED**

- CONDITIONS:**
1. The development shall be in accordance with the attached sketch;
  2. Triple pane windows be installed in rear (north wall of dwelling);
  3. Upgraded insulation be used on the rear (north) wall to minimum standard of R-24 Batt (Roxul) with R-10 Rigid on the exterior;
  4. That, for the interior wall facing the rear yard, gypsum be installed that is 5/8" thick or greater;
  5. That a solid wood fence with 5/4" wood boards, with no space between, built to maximum permitted height as per section 6.12 of the Zoning By-law on top of the existing retaining wall;
  6. That a notification be registered on title advising that the lot backs onto light industrial zoned property and that noise may be audible from time to time; and
  7. That a 10 foot fence be erected across the north side of the entire subdivision.

- REASONS:**
1. The request 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 Haldimand Zoning By-law 1 H-86. It is also considered minor in nature and compatible and appropriate with surrounding development; and
  2. Committee considered all verbal submissions received on this application, the effect of which helped the Committee to make an informed decision.

**PREVIOUSLY DEFERRED:**

**A)   PLB-2018-115   Carole Silverthorne**

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

**This application was deferred at the July 10<sup>th</sup> Committee of Adjustment meeting to allow the applicant an opportunity to post the required public notice sign per the requirements of the**

**Planning Act.** The applicant proposes to sever a parcel of land as a boundary adjustment. The irregular shaped, severed lands will be added to the abutting lands to the south.

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 **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: 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 William O'Brien and further identified as Roll No. 2810-021-002-34000, 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 William O'Brien and further identified as Roll No. 2810-021-002-34000.
  4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
  5. That the owner'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 3.4 metres (11.2 feet) by 58.6 metres (192.2 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](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator

False\_Easting: 500000.00000000  
 False\_Northing: 0.00000000  
 Central\_Meridian: -81.00000000  
 Scale\_Factor: 0.99960000  
 Latitude\_Of\_Origin: 0.00000000  
 Linear Unit: Meter  
 Geographic Coordinate System: GCS\_North\_American\_1983  
 Datum: D\_North\_American\_1983  
 Prime Meridian: Greenwich  
 Angular Unit: Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 14, 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

**B) PLA-2018-116 Willilam O’Brien**

Present: David Roe, agent  
 William O’Brien, applicant

**This application was deferred at the July 10<sup>th</sup> Committee of Adjustment meeting to allow the applicant an opportunity to post the required public notice sign per the requirements of the Planning Act.** The applicant proposes 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 yard (right). **Part Lot 5, Concession 4 SDR, Geographic Township of Dunn, 17 Bates Lane**

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 follows:

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 SDR, Geographic Township of Dunn, 17 Bates Lane**

**DECISION: APPROVED**

**CONDITIONS:** 1. The structures present on the date noted in the decision relating to this application be permitted, subject to the setback relief requested through PLA-2018-116;

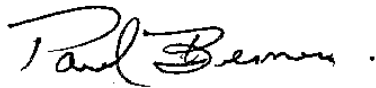
2. Any future development shall be in accordance with the attached sketch, and shall utilize the existing footprint and setbacks as approved through the decision associated with PLA-2018-115;
3. The accessory structure shall not be used for human habitation.
4. Receipt of a letter from the Planning and 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:** The relief requested is consistent with the Provincial Policy Statement 2014; conforms with the Provincial Growth Plan; and maintains the intent and purpose of the Haldimand County Official Plan; and the Town of Dunnville Zoning By-law 1 DU-80. The requested relief is considered minor in nature and the proposed construction is considered appropriate development.

**OTHER BUSINESS:**

The minutes of the July 10, 2018 meeting were adopted as circulated

The meeting adjourned at 11:25 a.m.



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Chairman



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Secretary-Treasurer