



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, October 16, 2018**

A meeting of the Committee of Adjustment was held on Tuesday, October 16, 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	Ashley Taylor
	Secretary-Treasurer	Laurie Fledderus

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2018-143	David Mattice	APPROVED
PLB-2018-150	Joanne V. & Teresa J. Plaenksken	APPROVED
PLB-2018-153	Grand River Securities Ltd.	APPROVED

CONSENTS & RELATED MINOR VARIANCES:

PLB-2018-154	Michael & Michelle Wortel	DEFERRED
PLA-2018-155	Michael & Michelle Wortel	DEFERRED

MINOR VARIANCES:

PLA-2018-142	David Mead & Sue Boyter	APPROVED
PLA-2018-148	David & Donald Mattice	APPROVED
PLA-2018-149	Irma Lancaster	APPROVED

DECLARATIONS OF PECUINARY INTEREST:

None declared.

CONSENTS:

A) PLB-2018-143 David Mattice

Present: David Roe, agent

The applicant proposes to sever a surplus farm dwelling and two accessory structures on a lot approximately 77.9 metres (255.6 feet) by 59.5 metres (195.2 feet), containing an area of approximately 0.46 hectare (1.14 acres).

Per Planning staff’s comments on page 2 of the staff report, Mr. Roe advised that the northerly lot line can be adjusted to meet the required setback of 1.2 metres on the existing agricultural structure on the proposed lot.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **David Mattice**, to sever a surplus farm dwelling and two accessory structures on a lot **Part Lot 12, Concession 3, Geographic Township of Walpole, 473 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. 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. That the owner’s solicitor provide a copy of the agreement of purchase and sale identifying a warning clause for the potential for noise, dust, etc. from Imperial Oil.
 4. That the owner hire a registered septic installer to install a new septic system and remove the existing septic system. Permits from the Building & By-law Enforcement Division are required. Proof of installation and removal is required prior to the finalization of the severance application. Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
 5. Receipt of a copy of the registered reference plan of the severed parcel, approximately 77.9 metres (255.6 feet) by 59.5 metres (195.2 feet), containing an area of approximately 0.46 hectare (1.14 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

System:

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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 16, 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 City of Nanticoke Zoning By-law NE-1 2000

B) PLB-2018-150 Joanne V. & Teresa J. Plaenksken

Present: Joanne Plaenksken, applicant

The applicants propose to sever a parcel of land, to be conveyed to the abutting lands to the northeast.

Ms. Plaenksken had no comments or questions.

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 **Joanne V. & Teresa J. Plaenksken**, to sever a parcel of land, to be conveyed to the abutting lands to the northeast. **Part Lots 12 to 16, Concession 2, Geographic Township of Seneca**

DECISION: APPROVED

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$286.00 for deed stamping.
 2. That 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 Linda Dianne Peeler and further identified as Roll # 2810-025-003-00600.
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. 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. 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 a copy of the registered reference plan of the severed parcel, approximately 30.5 metres (100 feet) by 1,000 metres (3,281 feet), containing an area of approximately 2 hectares (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

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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 16, 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 (2017), conforms to the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H 86

C) PLB-2018-153 Grand River Securities Ltd.

Present: Jamie Hitchon, applicant's solicitor

Ms. Hitchon had no questions or comments. The Committee members agreed to add a condition regarding a septic evaluation, at staff's request.

The proposal is to sever an existing business from the remaining lands for internal restructuring purposes.

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 **Grand River Securities Ltd.**, sever an existing business from the remaining lands for internal restructuring purposes. **Part Lot 7, Range 1 West of Plank Road, Geographic Township of Seneca, 186 Greens 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 a letter from the Planning and Development Division, indicating that their requirements regarding a mutual drainage agreement, have been satisfied. Contact the Development & Design Technologist at 905-318-5932, ext. 6407, for further clarification.
 3. Final approval of a minor variance application to address permissions for the dwelling and private servicing on the severed lands. Please allow six months for processing. Contact the Planner at 905-318-5932, ext. 6201, for further clarification.
 4. 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.
 5. Receipt of proof of registration of a servicing agreement to address private servicing and requirement for future connection to municipal services. Please allow four months for processing. Contact the Planner at 905-318-5932, ext. 6201, for further clarification.
 6. That a draft copy of the reference plan be provided to and approved by the Ministry of Transportation to ensure that the limits of the Designation Plan of a Proposed Highway (P-5106-28) are identified.
 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 254 metres (833.3 feet) by 143 metres (469 feet), containing

an area of approximately 3.63 hectares (9 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 October 16, 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 generally meets the intent and purpose of the Town of Haldimand Zoning By-law 1-H 86

CONSENTS & RELATED MINOR VARIANCES:

A) PLB-2018-154 & PLA-2018-155 Michael & Michelle Wortel

Present: Michael Wortel, applicant

The proposal is to sever a lot for residential purposes. Mr. Wortel stated that the property can be serviced in multiple ways. He would like the applications to move forward today. He has completed the required public consultation strategy and will provide it, today, to planning staff. Those neighbouring property owners he spoke with, had no concerns.

Staff is asking for the applications to be deferred to allow the applicants time to hire a professional engineer to produce a functional servicing report.

The Committee made the following decision:

PLB-2018-154

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 **Michael & Michelle Wortel**, to sever a lot for residential purposes.

DECISION: DEFERRED

REASONS: To allow the applicants time to hire a professional engineer to produce a functional servicing report and lot grading and drainage plan to demonstrate how the balance of the lands will be developed and engineering drawings identifying the location of existing water and sanitary sewer services to the existing residential dwelling in relation to the proposed property boundaries.

PLA-2018-155

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 & Michelle Wortel**, Relief is requested from the provisions of the 'Urban Residential Type 1 (R1)' Zone of Zoning By-law 1-DU 80 on both the severed and retained lands in Consent Application PLB-2018-154 as shown below:

SEVERED LANDS:

Development Standards	Required	Proposed	Deficiency
Lot Area	465 square metres (5005.2 square feet)	335 square metres (3,606 square feet)	130 square metres (426.5 square feet)
Lot Frontage	15 metres (49.2 feet)	9.98 metres (32.7 feet)	5.02 metres (16.5 feet)

RETAINED LANDS:

Development Standards	Required	Proposed	Deficiency
Lot Frontage	15 metres (49.2 feet)	9.8 metres (32.7 feet)	5.02 metres (16.5 feet)

Part Lot B, Plan 395, Urban Area of Dunnville, 600 John Street

DECISION: DEFERRED

REASONS: To allow the applicants time to hire a professional engineer to produce a functional servicing report and lot grading and drainage plan to demonstrate how the balance of the lands will be developed and engineering drawings identifying the location of existing water and sanitary sewer services to the existing residential dwelling in relation to the proposed property boundaries.

MINOR VARIANCES:

A) PLA-2018-142 David Mead & Sue Boyter

Present: Sue Boyter, applicant

The applicants propose to construct a dwelling. Relief is requested from the provisions of the Agricultural Zone of Zoning By-law 1-H 86 from the lot frontage and minimum dwelling unit area.

The Building Controls and By-law Enforcement Division has requested that a septic evaluation be provided to ensure a new system will fit on the property. Chair Paul Brown asked the applicant if a holding tank is proposed, to which Ms. Boyter replied that a holding tank is preferred, if permitted.

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 **David Mead & Sue Boyter**, for relief from the provisions of the 'Agricultural (A)' Zone of Zoning By-law 1-H 86 as follows:

Development Standards	Required	Proposed	Deficiency
Minimum Lot Area	1,855 square metres (19,967 square feet)	1,805 square metres (19,428 square feet)	50 square metres (538 square feet)
Lot Frontage	30 metres (98.4 feet)	28.96 metres (95 feet)	1.04 metres (3.4 feet)

A dwelling is proposed. This relief is required prior to issuance of a building permit. **Part Lot 17, Concession 7, Geographic Township of South Cayuga, 2525 Lakeshore Road**

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 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;
 3. That a septic evaluation be completed and submitted to 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. A permit from the Long Point Region Conservation Authority has been obtained.

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 Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and compatible and appropriate with surrounding development

B) PLA-2018-148 David & Donald Mattice

Present: David Roe, agent

This application is filed in conjunction with Consent file PLB-2017-210, to permit a surplus farm dwelling lot with reduced frontage. Relief is requested to permit a surplus farm dwelling lot with reduced frontage. This minor variance application is a condition of the consent.

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 **David & Donald Mattice** for relief from the provisions of the 'Agricultural (A)' Zone of Zoning By-law NE-1 2000 as follows:

Development Standards	Required	Proposed	Deficiency
Lot Frontage	30 metres (98.4 feet)	10.5 metres (34.4 feet)	19.5 metres (64 feet)

Part Lot 11, Concession 4, Geographic Township of Walpole, 851 Concession 3

DECISION: APPROVED

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

C) PLA-2018-149 Irma Lancaster

Present: Irma Lancaster, applicant

The proposal is to construct an addition onto the existing seasonal dwelling and replace the existing garage. Relief is requested from the provisions of the RS & HL zones of Zoning By-law 1-H 86 from the lot area, front yard setback, front yard setback for garage and parking requirements.

The lands are currently serviced by a holding tank. The applicant has no questions of comments.

The secretary-treasurer read a letter, aloud, from neighbouring property owner, Ray Hunsinger. The neighbor is in support of the proposal.

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 **Irma Lancaster** for relief from the provisions of the 'Seasonal Residential (RS)' & 'Hazard Land (HL)' Zones of Zoning By-law 1-H 86, as shown below:

Development Standards	Required	Proposed	Deficiency
Lot Area	927 square metres (9,978 square feet)	566 square metres (6,081.6 square feet)	361 square metres (3,885.8 square feet)
Front Yard Setback	9 metres (29.5 feet)	4.5 metres (14.8 feet)	4.5 metres (14.8 feet)
Front Yard Setback (garage)	9 metres (29.5 feet)	1.77 metres (5.8 feet)	7.23 metres (23.7 feet)

The applicant proposes to construct an addition onto the existing seasonal dwelling and replace the existing garage. **Part Lot 4, Concession 1, Geographic Township of Rainham, 358 Lakeshore Road**

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 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;
 3. That a septic evaluation be completed and submitted to 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. A permit from the Long Point Region Conservation Authority has been obtained.

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 Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and compatible and appropriate with surrounding development

OTHER BUSINESS:

The minutes of the September 11th, 2018 meeting were adopted as circulated.

The meeting adjourned at 9:30 a.m.



Chairman



Secretary-Treasurer