



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, December 18, 2018**

A meeting of the Committee of Adjustment was held on Tuesday, December 18, 2018 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

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

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2018-175	Greg & Karen Bates	APPROVED
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MINOR VARIANCES:

PLA-2018-172	Kerry Walford & Adam Peet	APPROVED
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PLA-2018-175	Dianne Meehan, Marni Flaherty, Paul Benedetti, Brenda Flaherty & Brent Wood	APPROVED
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PLA-2018-181	Grand River Securities Ltd.	APPROVED
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PLA-2018-190	James Partington & Susan Shipley	APPROVED
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DECLARATIONS OF PECUNIARY INTEREST:

None declared

CONSENTS:

A) PLB-2018-175 Greg & Karen Bates

Present: Ron Hewitt, applicants' agent

The applicants are proposing to sever a parcel of land as a boundary adjustment. The severed lands will be added to the abutting residential lot to the east.

Staff is recommending approval of the application. Mr. Hewitt 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 **Greg & Karen Bates**, to sever a parcel of land as a boundary adjustment. **Part Lot 9, Range 1 Range East of Plank Road, Geographic Township of Seneca, Argyle Street North**

DECISION: APPROVED

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$286.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by Johannes Wilhelmus Broeders & Maria Margriet Broeders, and further identified as Roll No. 2810-152-005-16400, if required.
 2. That the Owner's solicitor include a warning in the agreement of purchase and sale that the subject lands are identified as an undermined area. The warning is also include the following: New structures will not be permitted on the subject lands unless a geotechnical investigation (prepared by a professional engineer) is accepted by the County and other agencies, as required, demonstrating that the lands are suitable and stable for building purposes. A hobby farm will not permitted unless it maintains the Minimum Distance Separation (MDS) setbacks to the satisfaction of the local building inspector.
 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 Johannes Wilhelmus Broeders & Maria Margriet Broeders and further identified as Roll # 2810152-005-16400.
 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. 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 160 metres (525 feet) by 500 metres (1,640 feet) containing an area of 7 hectares (17.3 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 18, 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 meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86

MINOR VARIANCES:

A) PLA-2018-175 Kerry Walford & Adam Peet

Present: Kerry Walford, applicant

The applicants propose to use 80 square metres (861 square feet) of the existing dwelling as a home occupation. Relief is requested from the provisions of the R1-A Zone of Zoning By-law 1-H 86 Occupation to occupy no more than 25% of dwelling; and from Section 6.8.2(f) Retail sales permitted if produced on the premises.

Ms. Walford had no questions or comments.

Bill Armstrong asked staff about the recommended Condition No. 3. Isn't a minor variance forever? Why would the applicants want to "spoil" the approval.

Ashley Taylor responded that, if in the future, the subject lands were severed, parking could become an issue. Future owners of this property might not want to use the property for the same purpose.

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 **Kerry Walford & Adam Peet** for relief from the 'Urban Residential Type 1-A (R1-A)' Zone of Zoning By-law 1-H 86 as shown below:

Development Standards	Maximum Permitted	Proposed	Deficiency
Section 6.8.2(b) Teaching classes to maximum 4 students	4 students	10 students	6 students
Section 6.8.2(d) Home Occupation to occupy no more than 25% of dwelling	50 square metres	80 square metres	30 square metres
Section 6.8.2(f) Retail sales permitted if produced on the premises	15% total gross floor area –products produced on premises	Products not produced on the premises	Products not produced on premises

Lots 9 & 10, North of Mohawk Street, South of Norton Street, Urban Area of Cayuga, 24 Winnett Street North

DECISION: APPROVED

CONDITIONS: 1. The permissions provided for in this minor variance approval are for art classes/art sales only. These permissions do not extend to other home-based business opportunities that may locate in the dwelling in the future. Any future, home-based business(es) must comply with the original home-based business provisions, as amended, unless the future home-based business is for art classes/sales in which the minor variance prevails.

2. The business is permitted to accommodate students at a frequency of:
 - Five (5) students per class anytime the business operates; and
 - Ten (10) students, twelve (12) times a year.
3. The permissions for this minor variance approval are spoiled if the subject lands are severed in the future (as part of a boundary adjustment or lot creation application).

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 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-2018-175 Dianne Meehan, Marni Flaherty, Paul Benedetti, Brenda Flaherty & Brent Wood

Present: Brent Wood, agent

This application is filed in conjunction with Consent Application PLB-2018-062, conditionally approved by the Committee of Adjustment on May 8, 2018. In this application, relief is requested from the provisions of the RV Zone of Zoning By-law NE-1 2000.

Mr. Wood had no comments or questions.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Dianne Meehan, Marni Flaherty, Paul Benedetti, Brenda Flaherty & Brent Wood** for relief from the provisions of the 'Vacation Residential (RV)' Zone of Zoning By-law NE-1 2000 as shown below:

Severed Lands:

Development Standards	Required	Proposed	Deficiency
Lot Area	1,860 square metres (20,020.9 square feet)	608.5 square metres (6,550 square feet)	1,251.5 square metres (13,471 square feet)
Lot Frontage	30 metres (98.4 feet)	18.29 metres (60 feet)	11.7 metres (38.4 feet)

Retained Lands:

Development Standards	Required	Proposed	Deficiency
Lot Area	1,860 square metres (20,020.9 square feet)	811.7 square metres (8,737 square feet)	1,048.3 square metres (11,283.8 square feet)
Lot Frontage	30 metres (98.4 feet)	13.7 metres (44.9 feet)	16.3 metres (53.5 feet)
Front Yard Setback	9 metres (29.5 feet)	7.78 metres (25.5 feet)	1.22 metres (4 feet)
Exterior Side Yard	9 metres (29.5 feet)	0.95 metre (3.1 feet)	8.05 metres (26.4 feet)
Interior Side Yard (right)	3 metres (9.8 feet)	2.3 metres (7.5 feet)	0.7 metre (2.3 feet)

Minimum Dwelling Unit Area	65 square metres (699.7 square feet)	33.4 square metres (360 square feet)	31.6 square metres (340.1 square feet)
Section 3.7.1(d) Location of Deck/Porch	7.5 metres (24.6 feet)	0.29 metre (0.95 feet)	7.21 metres (23.6 feet)

Lot 95 & Part Lot 96, Plan 21074 (Peacock Point), Geographic Township of Walpole, 45 Lakeside Drive

DECISION: APPROVED

- CONDITIONS:**
1. The development shall generally be in accordance with the attached sketch;
 2. The permissions for the cottage on the retained lands are for the development existing on December 18, 2018. Any future development (expansions) or redevelopment (demolition and rebuild) must comply with the Zoning By-law, as amended; and
 3. This minor variance approval is only valid if consent application PLB-2018-062 is finalized. If consent application PLB-2018-062 lapses, the minor variance approval is invalid.

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-2018-181 Grand River Securities Ltd.

Present: Jamie Hitchon, agent

This application is filed in conjunction with, conditionally approved, consent application PLB-2018-153. The purpose of this minor variance application is to add a dwelling to the list of permitted uses of the 'MG' Zone (Section 23.1) for the subject lands to permit the continuance of the dwelling on the severed lands.

Ms. Hitchon had no comments or questions.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Grand River Securities Ltd.** to add a dwelling to the list of permitted uses of the 'MG' Zone (Section 23.1) for the subject lands to permit the continuance of the dwelling on the severed lands and for relief from Section 6.26 'Minimum Services' to permit the development to continue on private services (septic and cistern) until these services are publicly available.

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 Town of Haldimand Zoning By-law 1-H

86. It is also considered minor in nature and compatible and appropriate with surrounding development

West half Lot 7, Range 1 West of Plank Road, Geographic Township of Seneca, 186 Greens Road

D) PLA-2018-190 James Partington & Susan Shipley

Present: Ray Gardener, agent
Susan Shipley, applicant

The applicants propose to use a mobile home as a principal residence for a period of two (2) years as they rebuild their existing dwelling which was destroyed by fire. They require to live on the property during this time to care for their existing livestock on the parcel. Relief is requested from the provisions of the Agricultural Zone of the Town of Haldimand Zoning By-law 1-H 86.

There was discussion regarding the recommended Condition No. 3. John Gould asked if the required foundation would be specific to the mobile home or a future dwelling. Bill Armstrong asked why a foundation is necessary.

Peter Minkiewicz responded that the mobile home will be required to be anchored to the foundation.

The two year expiry date will end on December 18, 2020.

Mr. Gardener asked Committee members to consider refunding the application fee. Susan Shipley added that they are hoping for a refund of the fee, as they have a long way to go to complete the clean-up and construction.

There was discussion regarding the request, however, the majority of members felt that, the fee should not be refunded.

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 James Partington & Susan Shipley, for relief from the provisions of the 'Agricultural (A)' Zone of Zoning By-law 1-H 86 as shown below:

Development Standards	Maximum Permitted	Proposed	Deficiency
Section 6.2(j) Use of a motor home for year-round habitation as a principal residence	Not Permitted	Permitted for a Limited Time (2 years)	Permitted for a Limited Time (2 years)

Part Lot 20, North of Talbot Road, Registered Plan 18R380 Part 2, Geographic Township of North Cayuga, 5659 Highway 3

DECISION: APPROVED

- CONDITIONS:**
1. That the applicants sign an agreement with Building Controls and By-law Enforcement Division and provide the applicable deposit to ensure the removal of the mobile home from the property at the end of the two year (2) period or upon completion of the new principal house, whichever comes

- first. The minor variance permissions will expire on December 18, 2020;
2. A permit from the Ministry of Transportation is obtained, if required; and
3. The applicants apply for a foundation permit through the Building & By-law Enforcement Division.

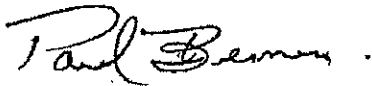
REASONS: The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and compatible and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

And that the request for full refund of the application fee be denied.


OTHER BUSINESS:

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

The meeting adjourned at 9:40 a.m.



Chairman



Acting Secretary-Treasurer