



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, APRIL 12, 2022**

A meeting of the Committee of Adjustment was held on Tuesday, April 12, 2022 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

MEMBERS PRESENT:	Chair	Paul Brown
	Members	John Gould Brian Snyder Brian Wagter Carolyn Bowman
MEMBERS ABSENT (Regrets):		Leroy Bartlett
		Don Ricker

STAFF PRESENT:	Supervisor Development Services	Alisha Cull
	Planner	Neil Stoop
	Secretary-Treasurer	David Scott

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2022-007	Daniel and Diane DePagter	DEFERRED
PLB-2022-008	Robert James Groves	DEFERRED
PLB-2022-011	GVD Farms Ltd.	DEFERRED
PLB-2022-012	GVD Farms Ltd.	DEFERRED
PLB-2022-013	GVD Farms Ltd.	DEFERRED
PLB-2022-026	Chris Mehlenbacher	APPROVED as amended
PLB-2022-038	Don & Lisa McCleary, Pat Friend & Terry Werbiski	DEFERRED

MINOR VARIANCES:

PLA-2022-024	Doug Ecker	APPROVED
PLA-2022-028	Jeff Matthews and Sarah Hardy	APPROVED
PLA-2022-033	Jordan and Teresa Hagen	APPROVED

DECLARATIONS OF PECUNIARY INTEREST: None Declared

CONSENTS:

A) PLB-2022-007 Daniel and Diane DePagter

Present: Dan DePagter, applicant

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 27.9 metres (91.5 feet) and contain an area of approximately 0.3101 hectares (0.8 acres). The retained parcel will contain an area of approximately 0.25386 hectares (0.63 acres).

The applicant had concerns with the recommendations. He felt that he had done his due diligence, and was surprised that the recommendation was for deferral due to servicing. He feels that the servicing can be extended to the property, so he is not sure why the deferral is necessary. The planner explained that the deferral is to get clarification as to the concerns of the Engineering and Water and Wastewater Divisions regarding the severance. He further explained that a zoning bylaw amendment and a holding provision would need to be applied for, so that the application is only the first step for further development on the property. The planner then provided further information regarding the comments from the Water and Wastewater Division.

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 **Daniel and Diane DePagter**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 27.9 metres (91.5 feet) and contain an area of approximately 0.3101 hectares (0.8 acres). The retained parcel will contain an area of approximately 0.25386 hectares (0.63 acres). **Cayuga Village Plan East of the Grand River, Lots 25 and 26 North of Mohawk Street, Part of Lots 25 and 26 South of Norton Street, Part of Snow Street, Registered Plan 18R7803 Parts 7 and 8, Urban Area of Cayuga, known municipally as 29 Monture Street North**

DECISION: DEFERRED

REASONS: To get further comments from Water and Wastewater regarding the application.

B) PLB-2022-008 Robert James Groves

Present: Kim Hessels, agent
 Jim Groves, applicant

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.54 hectares (1.33 acres). The retained parcel will have an approximate area of 18.7 hectares (46.17 acres). The property is to address an encroachment issue with the existing driveway and to improve drainage on the benefiting lands.

The agent explained the reasoning for the large size of the proposed boundary adjustment, which is too large for staff to consider. The applicant then explained that this property is his retirement home. Recently, he discovered the encroachment issue, and wished to avoid going to court to address the issue. He reached an agreement with his neighbour to address the encroachment, which has resulted in this application. He then explained the conditions on the subject parcel, and explained that the change will address the encroachment issue, and improve the drainage for both his property and the farmer's. He would then be able to register the entire property as one.

Member Snyder asked if this could be addressed through the creation of a lot instead. The planner said that staff could not support this due to policy. Member Gould asked the applicant if he would consider an adjustment to his proposal to address the concerns of the size of the proposed boundary adjustment, possibly to the existing tree line instead. The applicant said that drainage has always been a issue on that part of the property. He also added that his house is three to four feet above the rest of the property. He further adds that he wants a simple solution to the encroachment issue. Member Gould then asked if he would work with staff to adjust the proposal to satisfy staff concerns. The applicant said that he would consult with staff to see what could be done to make the proposal more palatable to staff.

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 **Robert James Groves**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.54 hectares (1.33 acres). The retained parcel will have an approximate area of 18.7 hectares (46.17 acres). The property is to address an encroachment issue with the existing driveway and to improve drainage on the benefiting lands. **Concession 1, Part Lot 16, Geographic Township of Walpole, known municipally as 203 Brooklin Road**

DECISION: **DEFERRED**

REASONS: To allow the applicant time to work with staff to adjust their proposal.

C) PLB-2022-011, PLB-2022-012 and PLB-2022-013

GVD Farms Ltd.

Present: Adam Moote, agent

The applicant proposes to sever three lots for future residential development . The severed lands in application **PLB-2022-011** will have a frontage of approximately 27.5 metres (90.2 feet) and contain an area of approximately 0.1912 hectares (0.47 acres). The severed lands in application **PLB-2022-012** will have a frontage of approximately 38 metres (124.7 feet) and contain an area of approximately 0.1875 hectares (0.463 acres). The severed lands in application **PLB-2022-013** will have a frontage of approximately 40 metres (131.2 feet) and contain an area of approximately 0.19 hectares (0.47 acres). The retained parcel will contain an area of approximately 4.1 hectares (10.1 acres).

Chairperson Brown explained the need to defer the applications, including the absence of two members of the committee, who would be disqualified from hearing the application in the future if it was discussed at this meeting. The agent said that he had no issue with this decision.

The Committee made the following decision:

PLB-2022-011

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 **GVD Farms Ltd.**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 27.5 metres (90.2 feet) and contain an area of approximately 0.1912 hectares (0.47 acres). The retained parcel will contain an area of approximately 4.1 hectares (10.1 acres). **Concession 1, Part Lots 23 and 24, Geographic Township of Walpole, known municipally as 3866 Rainham Road**

DECISION: DEFERRED

REASONS: To allow time for the applicant to discuss the proposal with staff.

PLB-2022-012

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 **GVD Farms Ltd.**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 38 metres (124.7 feet) and contain an area of approximately 0.1875 hectares (0.463 acres). The retained parcel will contain an area of approximately 4.1 hectares (10.1 acres). **Concession 1, Part Lots 23 and 24, Geographic Township of Walpole, known municipally as 3866 Rainham Road**

DECISION: DEFERRED

REASONS: To allow time for the applicant to discuss the proposal with staff.

PLB-2022-013

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 **GVD Farms Ltd.**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 40 metres (131.2 feet) and contain an area of approximately 0.19 hectares (0.47 acres). The retained parcel will contain an area of approximately 4.1 hectares (10.1 acres). **Concession 1, Part Lots 23 and 24, Geographic Township of Walpole, known municipally as 3866 Rainham Road**

DECISION: **DEFERRED**

REASONS: To allow time for the applicant to discuss the proposal with staff.

D) PLB-2022-026 Chris Mehlenbacher

Present: Travis Langerap, Agent
 Dylan Kotter, agent for the neighbour of the subject property (12 Winnett Street North)

The applicant proposes to sever a lot for future residential development. The severed lands will have a frontage of approximately 18.29 metres (60 feet) and contain an area of approximately 0.14811 hectares (0.37 acres). The retained parcel will contain an area of approximately 0.18512 hectares (0.46 acres).

The neighbour's agent wanted to bring up to committee that there is an encroachment issue at the back of the subject property. His client owned part of the property. They are not opposing the application. The planner said that there would be no need to adjust the conditions to address the encroachment; that it could be addressed through a potential minor variance application or civilly in the future between neighbours. Member Wagter reiterated that the agent should talk to the neighbour in question.

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 **Chris Mehlenbacher**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 18.29 metres (60 feet) and contain an area of approximately 0.14811 hectares (0.37 acres). The retained parcel will contain an area of approximately 0.18512 hectares (0.46 acres). **Lot 12 and Part Lot 11 South of Mohawk, Lot 12 and Part Lot 11 North of Kerr, Urban Area of Cayuga, known municipally as 13 Mohawk Street East**

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 \$250.00 and a fee of \$313.00 for deed stamping.
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 severed 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. 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 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, with a frontage of approximately 18.29 metres (60 feet) and an area of approximately 0.14811 hectares (0.37 acres). Also, **prior to the signing of the certificate**, 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 dscott@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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 12, 2024, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

E) PLB-2022-038 Don & Lisa McCleary, Pat Friend & Terry Werbiski

Present: Pat Friend, applicant
Lisa McCleary, applicant

The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.2120 hectares (0.524 acres). The property is to address various encroachment issues for the benefitting lands.

Ms. Friend said that the piece of the land involved in the boundary adjustment at the back (which is of concern for staff) is in the application so that they can clean up the property, and to allow access to the back of the accessory building.

Member Gould asked the applicants asked if they would work with staff to amend the proposal to make it more palatable with policy. They said that they would.

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 **Don & Lisa McCleary, Pat Friend & Terry Werbiski**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.2120 hectares (0.524 acres). The property is to address various encroachment issues for the benefitting lands. **Concession 5, Part Lot ,3 Registered Plan 18R6815 Part 1, Geographic Township of Rainham, known municipally as 179 Concession 5 Road**

DECISION: DEFERRED

REASONS: To allow the applicant time to work with staff to adjust their proposal.

MINOR VARIANCES:

A) PLA-2022-024 Doug Ecker

Present: Doug Ecker, applicant

Relief is requested from the accessory building area and accessory building height provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the construction of a storage building on the property.

The applicant stated that it was tile graded on the property. Chairperson Brown asked what the status is of the garage. The applicant stated that it was to be torn down. The applicant asked whether a lot grading waiver would eliminate the need for the condition. The planner said that that is up to the Development Technician whether such a waiver would address his concerns.

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 **Doug Ecker**, requesting relief from the accessory building area and accessory building height provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the construction of a storage building on the property. **Plan 5937, Part Lots 1 and 2, Registered Plan 18R1442 Part 1, Hamlet of Canfield, Geographic Township of North Cayuga, known municipally as 7 Raglan Street**

DECISION: APPROVED

CONDITIONS: 1. 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 proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

B) PLA-2022-028

Jeff Matthews and Sarah Hardy

Present: Jeff Matthews, applicant

Relief is requested from the interior sideyard (right) setback provisions of the Residential Zone 1-A (R1-A) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the expansion of the single-family dwelling on the property.

No comment from the applicant. Member Bowman asked how far the driveway will be from the extension. The applicant said that it would be 5 feet from his neighbours driveway. Member Bowman then asked for clarification whether the accessory building was a garage or a shed. The applicant said that it is a shed. Member Gould asked for clarification regarding the provisions of the sideyard setback, which was provided by the planner.

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 **Jeff Matthews and Sarah Hardy**, requesting relief from the interior sideyard (right) setback provisions of the Residential Zone 1-A (R1-A) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the expansion of the single-family dwelling on the property. **Plan 77, Lot 7, Urban Area of Jarvis, known municipally as 5 Cabot Court**

DECISION: APPROVED

CONDITIONS:

1. 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 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

C) PLA-2022-033

Jordan and Teresa Hagen

Present: Jordan Hagen, applicant

Relief is requested from the height of building provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the construction of an accessory structure on the property.

No comments from the committee or the applicant.

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 **Jordan and Teresa Hagen**, requesting relief from the height of building provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the construction of an accessory structure on the property. **Concession 1, Part Lots 15 and 16, Registered Plan 18R6767, Part of Part 2, Geographic Township of Moulton, known municipally as 960 Robinson Road**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

OTHER BUSINESS:

- The minutes of the March 8, 2022 meeting will be adopted at the May 9 meeting.

The meeting adjourned at 10:10 am.



Chairman



Secretary-Treasurer