



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
MONDAY, MAY 9, 2022**

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

MEMBERS PRESENT:	Chair	Paul Brown
	Members	Don Ricker
		John Gould
		Brian Snyder
		Brian Wagter
		Carolyn Bowman

MEMBERS ABSENT:	Leroy Bartlett
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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-2022-040	John & Nancy Kraay	APPROVED
PLB-2022-045	Patricia & Steven Court and Robert & Judith Miller	APPROVED
PLB-2022-049	Mayr Farms Ltd.	APPROVED
PLB-2022-064	Rudi & Roel Rolsma	APPROVED

MINOR VARIANCES:

PLA-2022-017	Gerald Monczka	APPROVED
PLA-2022-034	Randy Struyk	APPROVED
PLA-2022-044	Jordan Baker and Vicki Kuhn	APPROVED
PLA-2022-047	Frederik (Erik) van Groningen	APPROVED
PLA-2022-052	VanDerMolen Farms Inc.	APPROVED

DECLARATIONS OF PECUINARY INTEREST: NONE DECLARED

CONSENTS:

A) PLB-2022-040 John & Nancy Kraay

Present: Kim Hessels, agent
John Kraay, applicant
Rick Baird, neighbour

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.56 hectares (1.38 acres). The retained lands will contain an area of approximately 41 hectares (101.3 acres). The property is to provide additional space for the benefitting lands.

The agent wanted to know why they are recommending refusal. The planner stated that the size of the boundary adjustment was deemed as too large to qualify under policy, plus the applicant had failed to provide a suitable legal or technical reason for needing the additional property on the residential property. The agent said that the land is not farmable, as it cannot grow crops, nor sustain livestock. The agent then read a letter from a crop expert supporting their contention. The applicant then gave a history of the property, reiterating the issues of the parcel in question. He said that the limestone goes right up to the grass line, and it is within the floodplain for the nearby creek, so it cannot be farmed. The neighbour gave supporting evidence regarding the conditions of the land in question, and expressed his support of the application.

Member Gould asked the applicant how big was their cultivator. The applicant responded that it was 100 feet wide. Member Gould then expressed that he felt that it is not practical to maintain the subject property as agricultural land, so he felt that he could support the application. There was agreement expressed by other members. Member Snyder asked if a condition restricting the construction on the subject lands could be added. The planner said that it could be, but as the property was subject of a previous surplus farm dwelling severance, such a restriction is already in place.

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 **John & Nancy Kraay**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.56 hectares (1.38 acres). The retained lands will contain an area of approximately 41 hectares (101.3 acres). The property is to provide additional space for the benefitting lands. **Concession 4, Part Lot 12, Registered Plan 18R7002 Part 1, Geographic Township of Walpole, known municipally as 795 Sandusk Road**

DECISION:

Motion to Refuse: DEFEATED (0 votes to 5)

Motion to Approve: APPROVED (5 votes to 0)

CONDITIONS:

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee of \$313.00 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 John & Nancy Kraay and further identified as Roll No. 2810-332-003-03105, 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 John & Nancy Kraay and further identified as Roll # 2810-332-003-03105.
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 0.56 hectares (1.38 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 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 May 9, 2024, after which time this consent will lapse.

REASONS: The committee feels that this proposal is the best use of the land.

B) PLB-2022-045 Patricia & Steven Court and Robert & Judith Miller

Present: No one present

The applicants propose to sever a lot containing an existing surplus farm dwelling. The severed lands will have a frontage of approximately 70 metres (229.7 feet) and will contain an area of 0.385 hectares (0.95 acres). The retained parcel will contain an area of approximately 19.41 hectares (48.0 acres).

Member Ricker asked if there needs to be a condition regarding entrance to retained lands. The planner said a sufficient entrance exists, so it is not necessary.

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 **Patricia & Steven Court and Robert & Judith Miller**, to sever a lot containing an existing surplus farm dwelling. The severed lands will have a frontage of approximately 70 metres (229.7 feet) and will contain an area of 0.385 hectares (0.95 acres). The retained parcel will contain an area of approximately 19.41 hectares

(48.0 acres). **Concession 2 South of Talbot Road, Part Lot 18, Geographic Township of North Cayuga, known municipally as 294 Windecker 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 \$313.00 for deed stamping.
 2. That a septic evaluation for severed parcel be completed and submitted to the Secretary- Treasurer, who will give it 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. 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 0.385 hectares (0.95 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 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 May 9, 2024, after which time this consent will lapse.

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

C) PLB-2022-049 Mayr Farms Ltd.

Present: Kim Hessels, agent

The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 79 metres (259.2 feet) and will contain an area of 0.49 hectares (1.21 acres). The retained parcel will contain an area of approximately 17.9 hectares (44.2 acres).

No comments from agent. Member Ricker asked about the entrance to the retained land. The planner said that the existing entrance was sufficient. Member Ricker then asked when the previous severance from the existing property was done. The planner said that he was not sure, but that it predates the information County has, so it was done a long while ago.

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 **Mayr Farms Ltd.**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 79 metres (259.2 feet) and will contain an area of 0.49 hectares (1.21 acres). The retained parcel will contain an area of approximately 17.9 hectares (44.2 acres). **Plan 67 East of the Boulton Ditch Road, Part Lot 1, Geographic Township of Moulton, known municipally as 320 Hutchinson 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 \$313.00 for deed stamping.
 2. That a septic evaluation for severed parcel be completed and submitted to the Secretary-Treasurer, who will give it 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. 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 0.49 hectares (1.21 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
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 9, 2024, after which time this consent will lapse.

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

D) PLB-2022-064

Rudi & Roel Rolsma

Present: Dave Glenney, agent

This application was approved at the October 20, 2020 Committee of Adjustment meeting (as application PLB-2020-120), but the approval lapsed due to incompleteness of conditions. The applicants propose to create a lease and an easement over the entire property at 217 Queen Street, to benefit the establishment on 223 Queen Street, for the purpose of building a patio, accessibility ramp, and to provide additional parking for the business. The included lands will measure approximately 9.85 metres (32.3 feet) by 51 metres (167.3 feet) and will contain an area of approximately 0.54 hectare (1.34 acre).

The following email was received prior to the meeting from Joanne Cole, a neighbour of the subject property:

"Haldimand County Committee of Adjustment Consent - May 9, 2022 PLB-2022-064

Recommendation : Subject to the attached conditions

Item #4 - Address the provision of adequate permanent washroom facilities:

. Because these conditions do not have to be fulfilled until May 9, 2024,

will the County allow temporary washrooms as shown on Owner's

Sketch? (Portable Toilets) Reports in October, 2020

provided clearly states that the Dunnville B.I.A. did not support temporary toilets in the downtown core for obvious reasons.

If we had not encountered the Pandemic, the Alcohol and Gaming (Provincial), would not have allowed the Additional Patio on the leased lands because of insufficient washroom facilities with the increased seating capacity.

It is my understanding that this exception from Alcohol and Gaming expires Jan 1, 2023.

I did not receive the notice regarding the meeting for May 9 until May 6th, due to the mail service and would appreciate this being forwarded to Committee this morning.

Please let me know if it will be presented to the Committee and be acknowledged in the minutes.

Thank you in advance.

Jo-Ann Cole"

The agent said that it has been previously approved, so they would like a similar result at this meeting.

Member Gould asked if the use of washrooms would be moot, as the lease would not be finalized until all conditions were met. This was confirmed by the planner. An explanation was given that the application was before the committee, as the applicants did not complete the prescribed conditions prior to the one-year deadline as per the Planning Act.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Rudi & Roel Rolsma**, to create a lease and an easement over the entire property at 217 Queen Street, to benefit the establishment on 223 Queen Street, for the purpose of building a patio, accessibility ramp, and to provide additional parking for the business. The included lands will measure approximately 9.85 metres (32.3 feet) by 51 metres (167.3 feet) and will contain an area of approximately 0.54 hectare (1.34 acre). **Plan 69, Part Lot 7, Registered Plan 18R6065 Parts 1, 2 and 3, RP 18R6068, Urban Area of Dunnville, known municipally as 217 and 223 Queen Street**

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 \$313.00 for deed stamping.
 2. That the description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.
 3. That a copy of the lease be submitted to the Secretary-Treasurer, and be reviewed and approved by Haldimand County prior to the issuance of the certificate.
 4. Proponent must address the provision of adequate permanent washroom facilities to the satisfaction of the Building Department. Please contact Building & Municipal Enforcement Services at 905-318-5932 extension 8300, to clear this condition prior to the signing of the certificate.
 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 9.85 metres (32.3 feet) by 51 metres (167.3 feet) and will contain an area of approximately 0.54 hectare (1.34 acre). 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:

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False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_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 May 9, 2024, after which time this consent will lapse.

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

MINOR VARIANCES:

A) PLA-2022-017 Gerald Monczka

Present: Gerald Monczka, applicant

The proposal is to request relief from the front yard setback provisions of the Lakeshore Residential (RL) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of an attached garage on the subject property.

No comment from the applicant. Member Ricker asked for clarification that there is enough room in the front yard for a parking spot. The planner said that this part of South Coast Drive is unusual, in that there is encroachment onto the road allowance all along this stretch of the road, but there is also sufficient room to parallel park on the property.

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 **Gerald Monczka**, to request relief from the front yard setback provisions of the Lakeshore Residential (RL) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of an attached garage on the subject

property. **Plan 39 RCP, Lot 37, Geographic Township of Walpole, known municipally as 358 South Coast Drive**

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.

B) PLA-2022-034 Randy Struyk

Present: Hank Nauta, agent

Relief is requested from the accessory building area and 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 a new detached garage on the property.

No comments from the agent. Member Gould asked how access would be gained to the garage. The agent said that access would be from the existing driveway.

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 **Randy Struyk**, requesting relief from the accessory building area and 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 a new detached garage on the property. **Range 2 from Grand River, Part Lot 7, Registered Plan18R4737 Part 4, Geographic Township of Moulton, known municipally as 25 Logan 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.

C) PLA-2022-044 Jordan Baker and Vicki Kuhn

Present: Jordan Baker, applicant

The proposal is to request 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 replacement storage building on the property.

No comments from applicant. Member Ricker said that he felt that the proposal will improve the situation on the property.

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 Baker and Vicki Kuhn**, to request 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 replacement storage building on the property. **Plan 8851, Lot 5 and Part Lots 4 & 6 South of Darling, Registered Plan 18R3424 Part 2, Geographic Township of Canborough, known municipally as 14 Darling 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.

D) PLA-2022-047 Frederik (Erik) van Groningen

Present: Erik van Groningen, applicant

The proposal is to request relief from the height of building provisions of the Agricultural (A) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the construction of a detached garage with additional storage space on the property.

No comment from applicant or the committee.

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 **Frederik (Erik) van Groningen**, to request relief from the height of building provisions of the Agricultural (A) Zone of Haldimand County Zoning By law HC-1 2020. The relief is requested to permit the construction of a detached garage with additional storage space on the property. **River Range, Part Lot 45 North of Mc Kenzies Creek, Geographic Township of Oneida, known municipally as 312 York 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.

E) PLA-2022-052 VanDerMolen Farms Inc.

Present: Ray and Aaron VanDerMolen, applicants

The proposal is to request relief from the MDS provisions of the Agricultural Zone (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of additional manure storage for the existing dairy operation on the property.

The planner explained that additional information required the possibility of a boundary adjustment to address hydro issues on the property. The solution would be to build the barn on a nearby property to address hydro concerns, hence the requirement of the boundary adjustment. Staff recommended a deferral to allow the submission of the boundary application without having to apply for another minor variance to address the potential of additional deficiencies.

After a few minutes of private discussions, the applicants returned to the meeting, and decided to proceed as existing before the meeting. Clarification was provided as to ownership of the rail line behind the property, as well as ownership of the second house nearby.

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 **VanDerMolen Farms Inc.**, to request relief from the MDS provisions of the Agricultural Zone (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of additional manure storage for the existing dairy operation on the property. **Concession 9, Part Lots 15 and 16, Geographic Township of Walpole, known municipally as 743 Concession 8 Walpole**

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 were adopted as presented.
- The minutes of the April 12, 2022 meeting were adopted as amended.

- Member Bartlett is currently on leave from the committee. It was recommended, and approved by the committee, that Carolyn Bowman will fill in as Vice-Chairperson in Leroy's absence.
- Three members of the committee expressed interest in going to the OACA conference in September. The Secretary-Treasurer will verify before the next meeting that all interested members can go to the conference.

The meeting adjourned at 10:17am.



Chairman



Secretary-Treasurer