



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, OCTOBER 18, 2022**

A meeting of the Committee of Adjustment was held on Tuesday, October 18, 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

STAFF PRESENT:	Planner	Neil Stoop
	Secretary-Treasurer	David Scott

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2022-135	Henry Kelly	APPROVED
PLB-2022-138	John and Jenny Medeiros	APPROVED
PLB-2022-140	Tiersdale Holsteins Ltd.	APPROVED
PLB-2022-142	Yager Lea Farms Ltd.	APPROVED as amended

MINOR VARIANCES:

PLA-2022-090	Zac Buwalda	APPROVED
PLA-2022-128	Mary Mullins and Jeremy Stoneman	APPROVED as amended

DECLARATIONS OF PECUINARY INTEREST: None declared.

CONSENTS:

A) PLB-2022-135

Henry Kelly

Present: Kim Hessels, agent

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 90 metres (295.3 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 22.1 hectares (54.6 acres).

No comments from the agent. Member Ricker asked if there was any concerns for needing an easement. The agent said that they had no concerns with the condition.

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 **Henry Kelly**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 90 metres (295.3 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 22.1 hectares (54.6 acres). **Concession 2 from Cross, Part Lot 7, Geographic Township of Moulton, known municipally as 1072 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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
 2. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

3. 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.
4. Receipt of confirmation that an easement or the relocation of existing hydro line to the pump located on the retained lands, at the applicant's expense, has been completed. Contact Hydro One at 519-426-4446 Ext 2259 or 1-866-557-9551, for further information.
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 0.57 hectares (1.4 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
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 18, 2024, after which time this consent will lapse.

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

B) PLB-2022-138

John and Jenny Medeiros

Present: Brian Gallagher, agent
Jenny Medeiros, applicant

The proposal is to sever a lot that merged on title with a neighbouring property. The severed lands will have a frontage of approximately 20 metres (65.6 feet) and contain an area of approximately 0.14 hectares (0.35 acres). The retained parcel will contain an area of approximately 5.14 hectares (12.7 acres).

The agent stated that the lots in question merged together 30 years ago (He gave the year as 1996), as a result of the choice of the owners to let them merge. The proposed severed lot had been occupied with a house as a separate lot from 1959 through 1992, at which time that the house was demolished. He stated that the property has always been zoned as Agricultural. He continued by saying that the proposed lot could handle a Class 4 septic system, would be served by a new cistern, and the proposed house would meet all setbacks required by the zoning by-law. The agent continued his initial comments by complementing planning staff for their help through the application process.

The agent added that the proposed lot had always been a residential lot until the house was demolished. It was not made clear as to why the house was demolished. He then emphasized, in his opinion that the provincial government will be looking at this type of development as a way to deal with the lack of housing availability and affordability. He then read an article that said that the official plan could possibly be changed to allow for a new 'Rural' designation, that he felt would make this application possible. He also opined that he feels that the proposed lot is not in fact prime agricultural land, nor it does not have agricultural potential. The applicant then read a letter from her son (who would be the potential owner of the proposed severed lot) expressing support for the application.

Member Ricker asked if the proposed lot was ever a separate lot. The agent confirmed that it was a lot from the 1950's until 1996, and then provided a history of the property. Member Ricker then stated that he did not see any precedent to allow for this application to be approved, and that provincial policy does not allow for such an approval. The agent responded that the committee should, in his opinion, approve the application on its merits, and he felt that the committee had the power to do so. He concluded that he was of the opinion that the application made sense.

Chairperson Brown asked the planner to comment on the application. The planner provided details regarding the definition of prime agricultural areas, of which the subject land is part of in Haldimand County. Despite the assertion by the agent that the property was not agricultural in

nature, the planner said that, according to the provincial definition of prime agricultural areas, the subject lands are considered to be in a prime agricultural area. The planner then gave details about the proposed 'Rural' designation, which has not been approved by the province, and that the subject land would not qualify for such a designation. The planner then commented on the province's goal of residential intensification, which the government still desires to happen in existing urban and settlement areas, not in rural such as the area in question, despite the agent's insistence in his presentation.

Member Snyder asked if the fact that a house previously had existed on the property can be considered in determining the merits of the application. The planner said the issue in question is that the lots were allowed to merge on title, and that, as far as current applicable policy is concerned, there is no support for the application before the committee.

Member Gould asked for clarification as to when the original properties merged. The agent said that they did so in 1996. Member Gould then asked for the possible timeline regarding next steps should the application be approved. This was provided by the planner.

A further discussion was given as to the relative merits of the application, and whether the application was supportable.

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 and Jenny Medeiros**, to sever a lot that merged on title with a neighbouring property. The severed lands will have a frontage of approximately 20 metres (65.6 feet) and contain an area of approximately 0.14 hectares (0.35 acres). The retained parcel will contain an area of approximately 5.14 hectares (12.7 acres). **South of Talbot Road, West of the Grand River, East Part of Park Lot 3, Registered Plan 18R7268 Parts 2 and 3, Geographic Township of North Cayuga, known municipally as 4886 & 4892 Highway 3**

DECISION:

Motion to Refuse
Motion to Approve

DEFEATED (2 votes to 3)
APPROVED (3 votes to 2)

CONDITIONS:

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
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. Subject to the approval and permitting from the Ontario Ministry of Transportation (MTO).
4. Receipt of final approval of the required official plan amendment and zoning amendment (Both Official Plan Amendments and Zoning Amendments can take three months and four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
5. 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. 6212, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
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 0.14 hectares (0.35 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 18, 2024, after which time this consent will lapse.

REASONS: In the opinion of the committee, the required conditions will ensure conformity with the Official Plan and Zoning By-Law subject to approval by Haldimand County Council.

C) PLB-2022-140

Tiersdale Holsteins Ltd.

Present: Kim Hessels, agent

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 90 metres (295.3 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 22.1 hectares (54.6 acres).

No comments from agent or committee.

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 **Tiersdale Holsteins Ltd.**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 90 metres (295.3 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 22.1 hectares (54.6 acres). **Concession 2, Part Lots 16 and 17, Geographic Township of Canborough, known municipally as 6872 Highway 3**

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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.

2. Subject to the approval and permitting from the Ontario Ministry of Transportation (MTO).
3. Confirmation of the status of the two silos located on the retained lands to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932, for an inspection of the property.
4. 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.
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 0.57 hectares (1.4 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

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 18, 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-2022-142

Yager Lea Farms Ltd.

Present: Allen Yager, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling. The severed lands will have a frontage of approximately 70.1 metres (230 feet) and will contain an area of 0.606 hectares (1.5 acres). The retained parcel will contain an area of approximately 41 hectares (101.3 acres).

The applicant gave a small explanation about the history of their ownership of the property.

Member Ricker asked about the existing accessory building that appears to straddle the back lot line of the proposed parcel. The applicant said that the building will be torn down. Member Bowman asked if the house was habitable. The applicant said that it is fixable, but there is some work to be done before anyone could move into it. Chairperson Brown said that the house must be habitable in order for the application to be approved. Member Gould asked if there was a Declaration of Habitability submitted with the application. The planner said a declaration had been submitted as part of the application package. It was stated that no one currently lives in the house. As the result of various questions from the committee, the planner said that a condition of a home inspection could be added, as well as confirmation of hydro hookup to the dwelling. Member Bowman formally requested that they be added as conditions of approval.

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 **Yager Lea Farms Ltd.**, to sever a lot containing an existing surplus farm dwelling. The severed lands will have a frontage of approximately 70.1 metres (230 feet) and will contain an area of 0.606 hectares (1.5 acres). The retained parcel will contain an area of approximately 41 hectares (101.3 acres). **Concession 3, Part Lot 24, Geographic Township of Walpole, known municipally as 561 Haldimand Road 53**

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 in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.

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 & Municipal Enforcement Services 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 confirmation that the primary electrical service has been installed to the severed dwelling, at the applicant's expense. Contact Hydro One at 519-426-4446 Ext 2259 or 1-866-557-9551, for further information.
4. That a home inspection be completed on the severed dwelling by an approved professional. Final receipt of the report must be provided to the Secretary-Treasurer prior to the signing of the certificate.
5. That barn located on the subject lands be removed to the satisfaction of Building & Municipal Enforcement Services Division. Please contact the Building Inspector at 905-318-5932, when the buildings have been removed, for an inspection of the property.
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 0.606 hectares (1.5 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 18, 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-2022-090 **Zac Buwalda**

Present: Tia Hill, agent
Zac Buwalda, applicant

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

No comments from agent. Confirmation was given by staff that the lot is serviced by private water, not municipal water as was stated in the report.

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 **Zac Buwalda**, to request relief from the accessory building height provisions of the Hamlet Residential (RH) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of an accessory building on the subject property. **Concession 11, Part Lot 10, Geographic Township of Walpole, known municipally as 3526 Highway 6**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2020), conforms to the Haldimand

County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

B) PLA-2022-128

Mary Mullins and Jeremy Stoneman

Present: Mary Mullins, applicant
Ken Uhler, neighbour (1 Wardell Crescent)
Nic Wiggers, neighbour (3 Wardell Crescent)
Harvey Imgrund, neighbour (2 Wardell Crescent)

The proposal is to request relief from the height of building provisions of the Residential Type 1-A (R1-A) Zone of Zoning By-law HC 1-2020. The relief is requested to permit the construction of a shed on the subject property.

No comment from the applicant.

Mr. Uhler stated that his property has been constantly flooded, and that there is frozen ice on his property (NOTE: His concerns were expressed in a letter provided to the committee with their packages). Mr. Wiggers wanted verification of the permitting process, and whether a permit was given for the construction of the shed. He added that his property has also experienced flooding. Mr. Imgrund verified that, in his opinion, Mr. Uhler's issues were the result of the construction of the shed. The applicant said that they have gone through the permitting process, and have been dealing with the Building Department, and that she has tried to deal with the issues after talking with Mr. Uhler.

Member Ricker asked for verification that a permit had been issued, which was confirmed by the applicant. During the process with the Building Department, the applicant said that it was discovered that the shed was construction was built taller than the drawings showed, facilitating this application. Through questions from committee, the planner stated that the County does not have a grading by-law, so staff does not have a mechanism to ask for them. Details of the permitting process, including the changes to the design, was also given. Member Gould stated that the height of the building is the reason for the application, and, though sympathetic, the flooding is not an issue that can be dealt with in this forum. Other committee members echoed these sentiments.

Members of the committee expressed a desire to add lot grading as a condition. The applicant said that she is trying to work with everyone to mitigate the situation. The planner said that it is the committee's prerogative to ask for lot grading, though as there is no County grading by-law, there is no staff ability to make it a condition for the minor variance.

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 **Mary Mullins and Jeremy Stoneman**,

to request relief from the height of building provisions of the Residential Type 1-A (R1-A) Zone of Zoning By-law HC 1-2020. The relief is requested to permit the construction of a shed on the subject property. **Plan 56, Lot 44, Urban Area of Hagersville, known municipally as 39 Wardell Crescent**

DECISION: **APPROVED as amended**



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. 6212, 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 (2020), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

OTHER BUSINESS:

- The minutes of the September 13, 2022 meeting were adopted as presented.
- Chairman Brown announced that former Secretary-Treasurer Laurie Fledderus' husband John has passed away, and that he has sent Laurie a card on the committee's behalf.
- Chris Tang will be acting as Secretary-Treasurer at the November meeting.

The meeting adjourned at 10:38 am.

	
Chairman	Secretary-Treasurer

