



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, NOVEMBER 15, 2022**

A meeting of the Committee of Adjustment was held on Tuesday, November 15, 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: Supervisor Development Services Alisha Cull
Planner Neil Stoop
Secretary-Treasurer David Scott
Acting Secretary-Treasurer Chenxi Tang

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2022-147	Jason & Sandra Clark	APPROVED
PLB-2022-148	Jonathon Creighton	APPROVED
PLB-2022-151	Michael Gerald and Valerie Ona Haslam	APPROVED

CONSENTS & RELATED MINOR VARIANCES:

PLB-2022-150&PLA-2022-149	Jason Gagnon	APPROVED
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MINOR VARIANCES:

PLA-2022-107	Kyle and Melissa Draaistra	APPROVED
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DECLARATIONS OF PECUINARY INTEREST: None declared

CONSENTS:

A) PLB-2022-147 Jason & Sandra Clark

Present: Ed McCarthy

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.17 hectares (0.42 acres). The property is to address encroachment issues for the benefitting lands.

The agent states that the proposal has been revised and explained the reasoning for the revision. Member Ricker had concerns regarding the roll of trees on the north side. The agent states that the trees are located on the north or on the west side.

Member Snyder states that the sign were installed on the wrong lot. The planner clarifies that the sign was considered appropriate and installed in the correct location.

Member Snyder asked if the application was revised, the planner mentions that the decision will reflect based on the revised size.

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 **Jason & Sandra Clark**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.17 hectares (0.42 acres). The property is to address encroachment issues for the benefitting lands. **River Range, Part Lots 38 to 40, Registered Plan 18R1792 Part of Part 1, Registered Plan 18R5173 Part 5, Geographic Township of Oneida, known municipally as 4152 River Road**

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 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. Full Lot Grading Plan - 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.

4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.17 hectares (0.42 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	NAD_1983_UTM_Zone_17N
Coordinate 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 November 15, 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-2022-148

Jonathon Creighton

Present: Jonathon Creighton (Applicant); Tyler Martin (Neighbor)

The proposal is to sever a lot to create separate lots for the semi-detached dwellings under construction on the property. The severed lands will have a frontage of approximately 45.7 metres (149.8 feet) and contain an area of approximately 1,821 square metres (19,601.1 square feet). The retained parcel will have a frontage of approximately 38.6 metres (126.5 feet) and contain an area of approximately 1,761 square metres (18,955.3 square feet).

No comments from the applicant.

Neighbor had concern regarding their privacy given the new lots will have direct view on their backyard and inside their house.

Chairperson Brown and the planner state that this application is only for the severance and the applicant will return for more application.

Mr. Martin Inquired about zoning on the lot. The planner provided information on the existing zoning which is zoned R1-A and explained the zone in details.

No Questions from 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 **Johnathon Creighton**, to sever a lot to create separate lots for the semi-detached dwellings under construction on the property. The severed lands will have a frontage of approximately 45.7 metres (149.8 feet) and contain an area of approximately 1,821 square metres (19,601.1 square feet). The retained parcel will have a frontage of approximately 38.6 metres (126.5 feet) and contain an area of approximately 1,761 square metres (18,955.3 square feet). **Caledonia Part Lot 20 N Caithness, Urban area of Caledonia, known municipally as 322 Caithness Street East.**

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 & 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.

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, approximately 1,821 square metres (19,601.1 square feet). 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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 15, 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-2022-151 Michael Gerald and Valerie Ona Haslam

Present: Michael Haslam

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.23 hectares (0.57 acres). The retained parcel will have an approximate area of 40.1 hectares (99.09 acres). The property is to provide additional space for required septic system on the dwelling parcel (668 Concession 2 Rd).

The Applicant gave a history regarding his ownership of the property.

Member Snyder asked if the septic system is located within the lot line now. The applicant confirmed that the septic system is already in place. The planner added that there is another existing accessory building located on the east side of the building which the application will address this encroachment as well.

Member Gould asked the location of hydro line running through the property. The applicant answered that the hydro line runs down the road and there is no hydro line running through the property. The planner added that the hydro pole is located on the corner of the lot and the hydro line will run on the new proposed lot line.

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 **Michael Gerald and Valerie Ona Haslam**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.23 hectares (0.57 acres). The retained parcel will have an approximate area of 40.1 hectares (35.3 acres). The property is to provide additional space for required septic system on the dwelling parcel (668 Concession 2 Rd). **Seneca Concession 2 SESCO Part Lot 15, Known Municipally as 688 Concession 2 Rd**

DECISION: **Approved 3 votes to 2**

CONDITIONS: 6. 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.

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 0.23 hectares (0.57 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:

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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 November 15, 2024, after which time this consent will lapse.

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

CONSENTS & RELATED MINOR VARIANCES:

A) PLB-2022-150 & PLA-2022-149 Jason Gagnon

Present: Jason Gagnon (Applicant), Alan Scott (Neighbor), James Booce (Neighbor)

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 9.8 metres (32.2 feet) and contain an area of approximately 0.0396 hectares (0.01 acres). The retained parcel will contain an area of approximately 0.0396 hectares (0.01 acres). In PLA-2022-149, relief is requested from the lot frontage and parking provisions of the Residential Type 3 (R3) Zone of Haldimand County Zoning By-law HC-1 2020. The applicant proposed to build single detached dwellings on the severed lot.

The planner corrected that the application is for single detached and not semi detached dwelling.

No comments or concerns from the applicant.

Mr. Scott and Mr. Booce concerned that it is located too close to their property and the deficiency is considered major and not minor. Mr. Scott and Mr. Booce also had concerns regarding the noise and parking issues.

Member Snyder asked if one parking spot for property is sufficient and what is the minimum lot frontage. The planner replied that the lot can only accommodate one parking spot per unit and existing R1-C zone permits lot frontage smaller than the lot presented in the application.

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 **Jason Gagnon**, sever a lot for future residential development. The severed lands will have a frontage of approximately 9.8 metres (32.2 feet) and contain an area of approximately 0.0396 hectares (0.01 acres). The retained parcel will contain an area of approximately 0.0396 hectares (0.01 acres). **Hagersville Plan 905 Block 27 Lot 3, Known municipally as 24 Tuscarora Street**

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. 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. Full Lot Grading Plan - 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.

4. Entrance permit required - 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.

5. That the concurrent minor variance (PLA-2022-149) be completed.

6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.0396 hectares (0.01 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:
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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 November 15, 2024, after which time this consent will lapse.

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

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 **Jason Gagnon**, that relief is granted from the lot frontage and parking provisions of the Residential Type 3 (R3) Zone of Haldimand County Zoning By-law HC-1 2020. The applicant proposed to build semidetached dwellings on the severed lot. **Hagersville Plan 905 Block 27 Lot 3, Known municipally as 24 Tuscarora Street**

DECISION: APPROVED

CONDITIONS:

REASONS: The Relief requested is considered minor in nature and is appropriate development of the lands.

MINOR VARIANCES:

A) PLA-2022-107 Kyle and Melissa Draaistra

Present: Kyle Draaistra

The proposal is to request from the height of building, accessory building area and home industry provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of an automotive repair shop on the subject property.

No Comments from the applicant or 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 **Kyle and Melissa Draaistra**, that relief is granted from the height of building, accessory building area and home industry provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of an automotive repair shop on the subject property. **Concession 2, Part Lot 8, Registered Plan 18R4209 Parts 1 and 2, Geographic Township of Moulton, known municipally as 499 Diltz Road.**

DECISION: APPROVED

REASONS: The committee feels that the application is generally desirable development for the lands.

OTHER BUSINESS:

The minutes of the October 18, 2022 meeting were adopted as presented.

The meeting adjourned at 9:57 AM

Chairman

Acting Secretary-Treasurer

OTHER BUSINESS:

The minutes of the October 18, 2022 meeting were adopted as presented.

The meeting adjourned at 9:57 AM



Chairman

Acting Secretary-Treasurer