



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, DECEMBER 20, 2022**

A meeting of the Committee of Adjustment was held on Tuesday, December 20, 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:	Don Ricker
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STAFF PRESENT:	Supervisor Development Services	Alisha Cull
	Planner	Neil Stoop
	Secretary-Treasurer	David Scott
	Planning Technician	Chenxi Tang

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2022-161	Michael and Laura LePage	APPROVED
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CANCELLATION OF CONSENT:

PLB-2022-166	Bruce Clarence Boonstra and Ronald Peter Timmermans	APPROVED
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MINOR VARIANCES:

PLA-2022-158	Natural Ravine Selkirk Inc.	APPROVED
PLA-2022-168	Lorna Cassano	APPROVED
PLA-2022-169	Shannon Binek and Alex Sher	APPROVED
PLA-2022-171	Robert Kafieh	REFUSED

DECLARATIONS OF PECUINARY INTEREST: None Declared.

CONSENTS:

A) PLB-2022-161 Michael and Laura LePage

Present: Bruce MacDonald, agent
Ted Wilkerson, neighbour

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 19.8 metres (65 feet) and contain an area of approximately 1902 square metres (0.47 acres). The retained parcel will contain an area of approximately 1780.6 square metres (0.44 acres).

No comments from the agent.

Mr. Wilkerson expressed concerns regarding flooding in the area. There is currently a pipe on the subject property that diverts runoff to the lake. Mr. Wilkerson wanted to ensure that any potential issues with draining were addressed before any construction would take place. The planner stated that condition 3 will address the matter of drainage, as well of the fact that any development on the property would be subject to Long Point Region Conservation Authority permitting. Mr. Wilkerson wanted to emphasize that drainage is a major issue for the area, and he wanted to make sure that it needs to be addressed.

Committee members expressed support of the application. Member Bowman asked the agent if he had any comment regarding the neighbour's concerns. The agent said that he would make sure that it is addressed, and he would talk to the neighbour to make sure their concerns are addressed. Member Gould added that no development is proposed by this application, and that there are safeguards to ensure that all concerns are met.

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 and Laura LePage**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 19.8 metres (65 feet) and contain an area of approximately 1902 square metres (0.47 acres). The retained parcel will contain an area of approximately 1780.6 square metres (0.44 acres). **Concession 1, Part Lot 22, Registered Plan 18R3026 Part 3, Geographic Township of Walpole, no civic address**

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. 6253, 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 Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, ***in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties.*** This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, for further clarification.
4. 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 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 685 square metres (0.17 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 December 20, 2024, after which time this consent will lapse.

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

CANCELLATION OF CONSENT:

A) PLB-2022-166

Bruce Clarence Boonstra and Ronald Peter Timmermans

Present: David Ferguson, agent

The applicant proposes to cancel the 1987 severance which created the subject parcel, so that it will merge with the abutting property (Roll Number 2810.152.005.14650) also owned by the applicants. The subject lands have a frontage of approximately 31.09 metres (102 feet) and contain an area of approximately 0.2369 hectares (0.59 acres). The benefitting parcel will contain an area of approximately 16.1 hectares (39.76 acres). The purpose of this cancellation is to permit the construction of a dwelling on the benefitting lands, which are currently landlocked.

No comments from agent. Member Bowman asked if the benefitting lands are farmed, and whether or not this activity will continue after approval of the application. The agent responded in the affirmative to both questions. Further discussion regarding the existing situation and the improvements to the parcel (in terms of eliminating the landlocked status of the benefitting lands) continued.

The Committee made the following decision:

PURSUANT to Subsection 53(45) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Bruce Clarence Boonstra and Ronald Peter Timmermans**, to cancel the 1987 severance which created the subject parcel, so that it will merge with the abutting property (Roll Number 2810.152.005.14650) also owned by the applicants. The subject lands have a frontage of approximately 31.09 metres (102 feet) and contain an area of approximately 0.2369 hectares (0.59 acres). The benefitting parcel will contain an area of approximately 16.1 hectares (39.76 acres). The purpose of this cancellation is to permit the construction of a dwelling on the benefitting lands, which are currently landlocked. **Plan 63 RCP, Part Lot 24, Registered Plan 18R2683 Part 4, Hamlet of Unity Side Road, Geographic Township of Seneca, known municipally as 29 Unity Side Road**

DECISION: APPROVED

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

MINOR VARIANCES:

A) PLA-2022-158

Natural Ravine Selkirk Inc.

Present: Ava Barnett, agent
Grant Lyons, neighbour

The proposal is to request relief from the front yard provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a pool in the required front yard on the subject property.

No comment from the agent.

Mr. Lyons stated that the property appears to be vacant most of the time, so he does not believe that there is anyone there to look after the property. This gives Mr. Lyons cause for concern, as well as concern for the mature tree cover on the property, which he fear will be destroyed as the result of the proposal.

Chair Brown asked why the pool is to be located in the front. The agent said the house is to be replaced, and having a pool in the front separates the use from the farm operation. Chair Brown asked if they were setting a precedent. The planner said that such applications are dealt with on a per application basis, so no precedent is set. The planner then provided clarification as to the location of the pool for the neighbour.

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 **Natural Ravine Selkirk Inc.**, to request relief from the front yard provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a pool in the required front yard on the subject property. **Concession 1, Part Lot 13, Registered Plan 18R3216 Part 2 and Part of Part 1, Geographic Township of Rainham, known municipally as 1219 Lakeshore Road**

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-2022-168

Lorna Cassano

Present: Brian Ricker, agent

This application is a condition of consent application PLB-2022-031, which was approved by the Committee of Adjustment on June 14, 2022. Relief is requested from the accessory building setback provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize deficiencies as a result of the consent application.

No comments from agent 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 **Lorna Cassano**, to request relief from the accessory building setback provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize deficiencies as a result of the consent application. **Concession 1 North of Dover Road, Part Lot 6, Registered Plan 18R6333 Part 1, Geographic Township of Dunn, known municipally as 701 Aikens Road**

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.

C) PLA-2022-169

Shannon Binek and Alex Sher

Present: Shannon Binek, applicant

Relief is requested from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested to address the deficiency of required parking spaces on the subject property.

No comments from applicant. Member Gould asked for clarification that the sign was posted. The applicant said that it was just inside the door. The planner and other members of the committee confirmed that the sign was in place.

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 **Shannon Binek and Alex Sher**, to request relief from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested to the deficiency of required parking spaces on the subject property. **Plan 905, Block 25 Lot 5, Urban Area of Hagersville, known municipally as 29 Main Street North**

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.

D) PLA-2022-171

Robert Kafieh

Present: Brandon Libawski, agent
Shawn Rout, neighbour
Barbara Rout, neighbour
Rob Kafieh, applicant
Rick Beaudet, neighbour

Relief is requested from the provisions of Section 4.33 of Haldimand County Zoning By-law HC-1 2020, which mandates the location of animal kennels in the County. The relief is requested to permit the establishment of a dog kennel on the subject property.

No comments from agent.

Mr. Rout expressed concern with the level of dog barking noise emanating from the subject property. The planner stated that this application is only for the setbacks as the result of the

construction of kennel buildings, and not for requirements for the licensing of the kennel. Ms. Rout expressed similar concerns, as well as to question what happens to the large amount of feces resulting from the kennel. The planner again reiterated the reasons for the application, and that the Building and Municipal Enforcement division is responsible for the issue in relation to licensing, including the number of dogs that exist on the property. He added that the operation is currently unlicensed, which is why the application is before the committee. Ms. Rout added that the operation has existed on the property for 2 years.

The applicant said that there are 30 dogs, and he was unaware that he required a license for his kennel. Member Bowman wanted clarification that any complaints must go to the Building and Municipal Enforcement division. The planner said that this is correct, and that committee can only deal with application, which asks for relief from setback provisions of the zoning bylaw. This does not preclude the applicant from getting proper licensing.

A discussion continued regarding the need for licensing for this type of operation, as well as the need for building permits, and the timeline for these processes. A kennel is a permitted use. Mr. Beaudet asked for the description of a kennel. The planner said if there is more than 5 dogs, and that breeding and/or boarding of dogs is occurring on the property, among other things. The planner then went through the zoning requirements for kennels.

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 **Robert Kafieh**, to request relief from the provisions of Section 4.33 of Haldimand County Zoning By-law HC-1 2020, which mandates the location of animal kennels in the County. The relief is requested to permit the establishment of a dog kennel on the subject property. **Concession 4, Part Lot 1, Registered Plan 18R7271 Part 1, Geographic Township of Rainham, known municipally as 750 Haldimand Road 53**

DECISION: **MOTION TO APPROVE (1 vote to 3 votes) REFUSED**

REASONS: The committee felt that the proposal was not minor in nature.

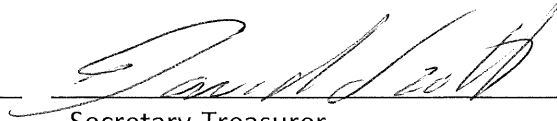
OTHER BUSINESS:

- The minutes of the November 15, 2022 meeting were adopted as amended.

The meeting adjourned at 10:04am



Chairman



Secretary-Treasurer

