



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, JANUARY 24, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, January 24, 2023 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
	Planning Technician	Chenxi Tang

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2022-016	Jagroop Gulacha	DEFERRED
--------------	-----------------	----------

MINOR VARIANCES:

PLA-2022-172	Halina Salciccioli	APPROVED
PLA-2022-173	Topp Farms	APPROVED
PLA-2022-174	Alexis and Robert Hayes	APPROVED

DECLARATIONS OF PECUINARY INTEREST: None Declared

Chairperson Brown presented a tribute to former member Leroy Bartlett prior to the introduction of the first application:

“On behalf of the Committee of Adjustment and myself, I want to thank you for your service and for your invaluable contribution to the Committee and to the residents of Haldimand.

Your wisdom, knowledge, and fairness were an inspiration to the Committee of Adjustment members. Over the years, I have witnessed your constant dedication to Haldimand County and its citizens. You are truly Mr. Haldimand.

Thank you for your guidance and common-sense approach over the last number of years. The Committee was always able to make more informed decisions as a result of your input. You are sorely missed.

Know that our thoughts and prayers are with you.”

CONSENTS:

A) PLB-2022-016 Jagroop Gulacha

Present: Duncan Russell, agent
Katie Pandey, agent
Robert Handley, neighbour of subject property

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 26.53 metres (87 feet) and contain an area of approximately 0.1492 hectares (0.37 acres). The retained parcel will contain an area of approximately 0.3717 hectares (0.92 acres).

A letter of concern was read by the Secretary-Treasurer from Dave and Barb Hartsell (a neighbour of the subject property. It stated:

“Our names are Dave and Barb Hartsell. We live at 21 Warnick Rd, Lowbanks. We received a notice of a hearing for File No: PLB-2022-016 Jagroop Gulacha to sever a lot for development. We are unable to attend this meeting due to work commitments.

We are against this development for the following reasons. Every year in the fall and especially the spring our property is flooded due to runoff from other properties and the snow plows filling in the culvert and it freezes. The town is aware of the problem as well. Building in the lot beside us is just going to make our issues worse. This lot is right beside us and our property is in the middle of the surrounding properties and we get all the runoff. We are also concerned of what type of septic system will be used on this new development. It isn't a very large lot and will we have to deal with that kind of runoff as well?

We have lived here for 24 plus years. We have also cut the grass on this lot for more than 20 years as well. We are heading into retirement in a few years and the last thing we want is to look out our picture window and see a wall of a house Instead of the view of the lake. We may as well sell and move to the city If this is going to be our view. Our decision to buy here was due to the view of the lake and the space between houses.

Our understanding is the new owner wants to build a dwelling to be used for a B & B. This is a quiet area and the existing homes here are quiet people who like their privacy.

This letter just states some of the issues we are very concerned about and hope you take them into consideration when making your decision.
We thank you for taking the time to read this. “

Ms. Pandey said that they were aware of the concerns expressed by the Grand River Conservation Authority, and asked that the concerns expressed by added as a condition of approval. She also added that they had completed an Archeological Study on the property.

Mr. Handley expressed concern regarding the existing easement that he currently has over the subject property, and questioned whether he would continue to have the easement over the property if the severance was approved. The planner said that the application would not affect his easement, and that it would still be in effect should the severance be completed. Mr. Handley also felt that the resort residential zoning needed to be changed, as many of the dwellings in the area are now year-round residences. The planner answered that year-round residency is permitted in the resort residential area if various criteria is met. There was a discussion between Mr. Handley and the planner over the description of lot frontage, and how it may vary due to that description.

There were no questions from the 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 **Jagroop Gulacha**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 26.53 metres (87 feet) and contain an area of approximately 0.1492 hectares (0.37 acres). The retained parcel will contain an area of approximately 0.3717 hectares (0.92 acres). **Concession 1, Part Lot 8, Registered Plan 18R7917 Part 1, Geographic Township of Sherbrook, known municipally as 1 Mohawk Line**

DECISION: DEFERRED

REASONS: To give the applicant time to address the concerns of the Grand River Conservation Authority.

MINOR VARIANCES:

A) PLA-2022-172 Halina Salciccioli

Present: Scott Elliott, agent

Relief is requested from the accessory dwelling unit provisions of the Downtown Commercial (CD) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the

addition of an accessory residential unit within an existing residential dwelling on the subject property.

No comments from the agent.

Member Ricker asked for verification of the Building department regarding water capacity. The planner said that there is water capacity needed for this application.

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 **Halina Saliccioli**, to request relief from the accessory dwelling unit provisions of the Downtown Commercial (CD) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the addition of an accessory residential unit within an existing residential dwelling on the subject property. **Lot 1 North of Talbot, Village Plan of Cayuga, known municipally as 6 Talbot Street West**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), 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-2022-173 Topp Farms

Present: Kim Hessels, agent

The proposal is to request relief from the MDS provisions of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the expansion of the dairy barn and ancillary facilities on the subject property.

No comments from agent. An explanation was given regarding the presence of the cemetery, its activity and how it is considered in this application.

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 **Topp Farms**, to request relief from the MDS provisions of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the expansion of the dairy barn and ancillary facilities on the subject property. **Concession 3, Part Lot 8, Geographic Township of Canborough, known municipally as 259 Moote Road**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), 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-2022-174 Alexis and Robert Hayes

Present: Robert Hayes, applicant

The proposal is to request relief from the dwelling unit area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the addition to the existing dwelling on the subject property. No comments from the committee.

The applicant stated that the purpose of the application was to add a full basement to the dwelling.

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 **Alexis and Robert Hayes**, to request relief from the dwelling unit area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the addition to the existing dwelling on the subject property. **Concession 5 to 6, Part Lot 41, Registered Plan 18R3340 Part 1, Geographic Township of Oneida, known municipally as 743 4th Line**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), 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 December 20, 2022 meeting were adopted as presented.

The meeting adjourned at 9:37 am.


Chairman


Secretary-Treasurer