



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, FEBRUARY 21, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, February 21, 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 Wagter
		Carolyn Bowman

MEMBER ABSENT:	Brian Snyder
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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-2022-136	Toronto Motor Sports Park Cayuga	APPROVED
PLB-2022-185	Carl Fox	APPROVED
PLB-2022-186	Shannon Houwer	APPROVED
PLB-2023-002	Houston and Chace Mitchell	APPROVED
PLB-2023-003	Carl Fox	APPROVED

DECLARATIONS OF PECUINARY INTEREST: None declared.

CONSENTS:

A) PLB-2022-136 **Toronto Motor Sports Park Cayuga**

Present: Kim Hessels, agent

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.3 hectares (0.74 acres). The retained parcel will have an approximate

area of 36 hectares (89 acres). The property is to provide additional space for the benefitting parcel.

No comments from the agent. Member Ricker asked for clarification regarding the hydro situation on the property, which will be addressed through the conditions. An explanation was given to the satisfaction of the committee member. Member Bowman asked why the retained parcel is under the acre. The planner stated that as long as they can demonstrate that services can be provided then the size is acceptable.

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 **Toronto Motor Sports Park Cayuga**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.3 hectares (0.74 acres). The retained parcel will have an approximate area of 36 hectares (89 acres). The property is to provide additional space for the benefitting parcel. **Jones Tract West of the Grand River, Part Lot 24, Registered Plan 18R7481 Part 1, Geographic Township of North Cayuga, known municipally as 1058 Kohler 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. 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 1083199 Ontario Limited and further identified as Roll No. 2810-155-002-09200, if required.
 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 Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.

4. That the severed parcels become part and parcel of the abutting lands presently owned by 1083199 Ontario Limited and further identified as Roll No. 2810-155-002-09200.
5. Receipt of a letter from the Roads Operations Division indicating that they have issued an entrance permit. A copy of permit(s) is to 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.
6. That the owner confirm on through the submission of a survey that the existing entrance to the severed lands is located wholly on the severed lands, and that any connection to the retained lands is blocked and closed subject to the satisfaction of the Planning and Development Division. If the existing entrance straddles the proposed lot line, an entrance permit and relocation of the entrance will be required to the satisfaction of the Planning and Development Division.
7. Receipt of confirmation that an easement or the relocation/removal of existing hydro lines, 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.
8. 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.
9. 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.
10. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.47 hectares (1.16 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

11. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 21, 2025, after which time this consent will lapse.

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

B) PLB-2022-185 Carl Fox

Present: Teo Fazio, agent

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.3 hectares (0.74 acres). The retained parcel will have an approximate area of 36 hectares (89 acres). The property is to provide additional space for the benefitting parcel.

The agent stated that work will go ahead with dealing with the conditions set out in the report. Member Gould asked why there was the need for an entrance permit. The planner said that as the existing entrance is being severed from the retained parcel, it is necessary to confirm that there is sufficient access to the retained parcel. A discussion continued regarding the location of the entrances. Chair Brown asked for the size of the new residential parcel, which will be 1.95 acres.

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 **Carl Fox**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.3 hectares (0.74 acres). The retained parcel will have an approximate area of 36 hectares (89 acres). The property is to provide additional space for the benefitting parcel. **Part of the James Young Tract, Registered Plan 18R7024 Part 1, Geographic Township of Seneca, known municipally as 501 Concession 2 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. 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 Teo Emanuele Fazio and Krysten Kaylie Gregus and further identified as Roll No. 2810-152-003-00505, 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 Teo Emanuele Fazio and Krysten Kaylie Gregus and further identified as Roll No. 2810-152-003-00505.
 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 all sea containers on retained parcel required to have building permits applied for or removed from property to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the Building Inspector at 905-318-5932 for further information, and for an inspection of the property.
 6. 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.

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 0.3 hectares (0.74 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	

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before February 21, 2025, after which time this consent will lapse.

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

Present: Chris Houwer, 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 68.4 metres (224.4 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 15.621 hectares (38.6 acres).

The agent stated that the cargo containers were removed on January 6. The planner added that Building requested that this condition, and that a letter from the applicant to the Secretary-Treasurer will satisfy 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 **Shannon Houwer**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 68.4 metres (224.4 feet) and will contain an area of 0.57 hectares (1.4 acres). The retained parcel will contain an area of approximately 15.621 hectares (38.6 acres). **Concession 5, Part Lot 6, Geographic Township of Rainham, known municipally as 450 Concession 6 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. 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 all cargo containers on retained parcel required to have building permits applied for or removed from property to the satisfaction of Building Controls and By-law Enforcement Division. Please contact the

Building Inspector at 905-318-5932 for further information, and for an inspection of the property.

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 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 February 21, 2025, after which time this consent will lapse.

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

D) PLB-2023-002 Houston and Chace Mitchell

Present: Chace Mitchell, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of 64 metres (210 feet) and will contain an area of 0.41 hectares (1.01 acre). The retained parcel will contain an area of approximately 37.69 hectares (93.1 acres). The applicants also propose to retain an easement over the proposed severed lands in favour of the retained parcel to access a storage shed on the retained lands.

No comments from applicant 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 **Houston and Chace Mitchell**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of 64 metres (210 feet) and will contain an area of 0.41 hectares (1.01 acre). The retained parcel will contain an area of approximately 37.69 hectares (93.1 acres). The applicants also propose to retain an easement over the proposed severed lands in favour of the retained parcel to access a storage shed on the retained lands. **Concession 6, Part Lot 8, Geographic Township of Walpole, known municipally as 626 Concession 6 Walpole**

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 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 0.41 hectares (1.01 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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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 February 21, 2025, after which time this consent will lapse.

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

E) PLB-2023-003

Carl Fox

Present: Carl Fox, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of 56 metres (183.7 feet) and will contain an area of 0.4 hectares (1.0 acre). The retained parcel will contain an area of approximately 21.35 hectares (52.8 acres).

The applicant asked about the reasoning for the condition requiring an entrance permit. The planner said that it was a standard condition to ensure that access was available to the retained lands. As it was stated that there was recent work to the road along the property and work was done to the culvert for the parcel, it is at the discretion of the committee to remove the condition. It was decided by the committee to remove condition 3.

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 **Carl Fox**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of 56 metres (183.7 feet) and will contain an area of 0.4 hectares (1.0 acre). The retained parcel will contain an area of approximately 21.35 hectares (52.8 acres). **Concession 1 South East of Stoney Creek Road, Part Lot 19, Part of the John Young Tract, Registered Plan 18R4640 Part 3, Geographic Township of Seneca, known municipally as 177 Singer Road**

DECISION: **APPROVED as amended (Condition 3 removed)**

- 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. 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 0.4 hectares (1.0 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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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 February 21, 2025, after which time this consent will lapse.

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

OTHER BUSINESS:

- The minutes of the January 24, 2023 meeting were adopted as presented.
- A presentation was made to Member Gould, who attended his last meeting as a committee member.

The meeting adjourned at 9:34 am.



Chairman



Secretary-Treasurer