



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, MARCH 28, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, March 28, 2023 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

|                         |         |                |
|-------------------------|---------|----------------|
| <b>MEMBERS PRESENT:</b> | Chair   | Paul Brown     |
|                         | Members | Don Ricker     |
|                         |         | Paul Fleck     |
|                         |         | Paul Makey     |
|                         |         | Brian Snyder   |
|                         |         | Brian Wagter   |
|                         |         | Carolyn Bowman |

|                       |                                 |              |
|-----------------------|---------------------------------|--------------|
| <b>STAFF PRESENT:</b> | Supervisor Development Services | Alisha Cull  |
|                       | Planner                         | John Douglas |
|                       | Secretary-Treasurer             | David Scott  |
|                       | Planning Technician             | Chenxi Tang  |

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

|              |                             |          |
|--------------|-----------------------------|----------|
| PLB-2023-008 | Charlene and Gordon Tenhage | APPROVED |
| PLB-2023-012 | Prinzen and Sons Ltd.       | APPROVED |
| PLB-2023-013 | Gerry Veldhuizen            | APPROVED |

**CONSENTS & RELATED MINOR VARIANCES:**

|  |  |          |
|--|--|----------|
| PLB-2023-022, PLB-2023-023,<br>PLB-2023-024 & PLA-2023-017 | Trailside Townsend Limited Partnership | APPROVED |
|--|--|----------|

**MINOR VARIANCES:**

|              |                                   |          |
|--------------|-----------------------------------|----------|
| PLA-2023-009 | Barb Bozikis and Charles Metcalfe | APPROVED |
| PLA-2023-010 | Chris Hotrum                      | APPROVED |
| PLA-2023-015 | Breanne Barnes and Jeremy Crooks  | APPROVED |
| PLA-2023-021 | Don and Pat Ricker                | APPROVED |

**SIGN VARIANCES:**

PLASGN-2023-018

2690419 Ontario Ltd.

APPROVED

**CHANGE OF CONDITION:**

PLB-2022-122

Patrick and Debbie Martin

**DECLARATIONS OF PECUINARY INTEREST:** Member Ricker declared a conflict over application PLA-2023-021 (as applicant).

**CONSENTS:**

**A) PLB-2023-008 Charlene and Gordon Tenhage**

Present: Adam Moote, agent

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.02 hectares (0.05 acres). The retained parcel will have an approximate area of 0.36 hectares (0.89 acres). The property is to provide access for the benefitting parcel to a public road. The applicants also propose a partial discharging of the mortgage for the retained lands.

It was noted that the Public Consultation Strategy was provided before the meeting. Member Ricker asked if an entrance permit was required as a condition. The planner said it was not required as the new property would be on a private lane. An agreement is required as a condition to ensure access to Dearden Lane from the benefitting parcel.

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 **Charlene and Gordon Tenhage**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.02 hectares (0.05 acres). The retained parcel will have an approximate area of 0.36 hectares (0.89 acres). The property is to provide access for the benefitting parcel to a public road. The applicants also propose a partial discharging of the mortgage for the retained lands.

**Concession 5 South of Dover Road, Part LOT 18, Registered Plan18R5529 Parts 5 to 8, Geographic Township of Dunn, known municipally as 3 Johnson Road**

**DECISION: APPROVED**

**CONDITIONS:**

1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date 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 William J S McMullen and Laila Sigfridson-McMullen and further identified as Roll No. 2810-021-001-27600, if required.

2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
3. Receipt of final approval of the required official plan amendment and zoning by-law amendment (These applications can take several months to complete, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
4. That the severed parcels become part and parcel of the abutting lands presently owned by William J S McMullen and Laila Sigfridson-McMullen and further identified as Roll No. 2810-021-001-27600.
5. 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.
6. Receipt of confirmation from the owner that an agreement with the owner of 9 Dearden Lane for access to the benefitting parcel from Dearden Lane exists prior to the signing of the certificate by the Secretary-Treasurer.
7. That the applicant enter into an agreement with the County regarding limited municipal servicing. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.

8. 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.
9. 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.
10. 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.
11. Receipt of a copy of the registered reference plan of the severed parcel, with an area of 0.02 hectares (0.05 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.** 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                         |

12. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 28, 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-2023-012 Prinzen & Son Ltd.**

Present: Kim Hessels, agent

The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 10 metres (32.8 feet) and will contain an area of 0.56 hectares (1.38 acres). The retained parcel will contain an area of approximately 59.69 hectares (147.5 acres).

The agent asked about why condition 2 was needed, requiring a minor variance for deficient frontage. The supervisor said that it is a condition that has always been required in the past regarding similar lot creation applications in which the proposed lot being created is to be deficient in frontage.

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 **Prinzen & Son Ltd.**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 10 metres (32.8 feet) and will contain an area of 0.56 hectares (1.38 acres). The retained parcel will contain an area of approximately 59.69 hectares (147.5 acres).

**Concession 6, Part Lot 21, Geographic Township of Walpole, known municipally as 1720 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. Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. 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, 0.56 hectares (1.38 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.** 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 March 28, 2025, after which time this consent will lapse.

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

**C) PLB-2023-013                      Gerry Veldhuizen**

Present: Kim Hessels, agent

The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 80 metres (262.5 feet) and will contain an area of 0.53 hectares (1.3 acres). The retained parcel will contain an area of approximately 32.4 hectares (80 acres).

An email was received late Monday afternoon from the Danielle Lipson, a law clerk for Robert K. Yanch, lawyer for the property owner at 20 Feeder Canal Road (the property immediately to the west of the subject property:

“Good afternoon,

Mr. McKeen has just been in contact with our office about this notice of consent hearing. He just received the notice at the end of last week.

Our client believes he is the rightful owner of a portion of that property and we are starting a title insurance claim to get it back.

In the meantime, we would ask that postpone the hearing and we will provide you with some of the evidence that he is the owner and there was just an error in the transferring the title.

Please confirm that this meeting will be adjourned.”

A bill of sale was also submitted along with the email to emphasize their concerns.

Member Ricker asked if the committee deferred the application would the applicant be charged a deferral fee. The Secretary-Treasurer said that they would not be, as the deferral would be at the committee's request. The discussion continued regarding the merits of deferring the application, and that the property dispute mentioned is a civil matter, and not in the parlance of the committee. It was noted that the property at 20 Feeder Canal Road was purchased in 2015, and the dispute was not addressed at that time. The agent wondered why the issue was not addressed prior to now. A discussion continued over the legal ramifications of the issue.

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 **Gerry Veldhuizen**, a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 80 metres (262.5 feet) and will contain an area of 0.53 hectares (1.3 acres). The retained parcel will contain an area of approximately 32.4 hectares (80 acres). **Concession 2 from Lake Erie, Part Lot 19, Registered Plan 18R7385 Parts 2 and 4, Geographic Township of Moulton, known municipally as 14 Feeder Canal Road**

**DECISION:**            **APPROVED (5 votes to 1)**

- 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. 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, 0.53 hectares (1.3 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.** 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                  |

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 28, 2025, 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-2023-022, PLB-2023-023, PLB-2023-024 & PLA-2023-017**      **Trailside Townsend Limited Partnership**

Present: Mark Pavolic, agent  
Elton Cruz, neighbour  
Stephen Belcoshie, neighbour

In application **PLB-2023-022**, three easements for watermain servicing and storm servicing would be created. In application **PLB-2023-023**, an easement for stormwater servicing would be created. In application **PLB-2023-024**, an easement would be created for sanitary servicing. In application **PLA-2023-017**, relief is requested from the rear yard provisions of the Residential Type 4 (R4) Zone of Zoning By-law HC-1 2020. The relief is requested to facilitate approval of the Draft Plan of Subdivision on the subject property.

No comment from the agent. Mr. Cruz expressed concerns regarding the development and the conduct of the workers on the property, which included the tossing of garbage on the street, as well as workers urinating along the public street. He asked who polices the work that is being done in the residential development. He also mentioned a high rate of vibrations from the project, and that work trucks were being cleaned along the public street. The planner said that there are a couple of options; either to talk to Public Works or the Ministry of Environment about these concerns. It was noted that many of the concerns expressed were not regarding these application before the committee. It was also recommended that Mr. Cruz also contact the local councillor to let him know of his concerns.

Mr. Belcoshie expressed concern regarding the status of the forest surrounding the development; he was also concerned with property values regarding the development. The planner said that the applications are solely for the townhouse site, not to add hydro. It is solely to establish easement to permit access for utilities.

The agent stated that the road for the development is a private road, and the lighting is a private lighting system. All vehicle cleaning is done on private property, not on municipal property. It was asked if there were porta-potties on site. The agent confirmed that there were.

The Committee made the following decision:

**PLB-2023-022**

**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 **Trailside Townsend Limited Partnership**, where three easements will be created for the purpose of providing and maintaining servicing to the subject property. **Plan D37-5 Part of Unit 1, Registered Plan 37R10515 Parts 1 TO 4, Geographic Township of Townsend, known municipally as 100 Nanticoke Creek Parkway**

**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 description of the easements be reviewed and approved by Haldimand County prior to the issuance of the certificate.
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 easement. 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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                         |
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 28, 2025, after which time this consent will lapse.

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

**PLB-2023-023**

**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 **Trailside Townsend Limited Partnership**, where an easement will be created for the purpose of providing and maintaining servicing to the subject property. **Plan D37-5 Part of Unit 1, Registered Plan 37R10515 Parts 1 TO 4, Geographic Township of Townsend, known municipally as 100 Nanticoke Creek Parkway**

**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 description of the easements be reviewed and approved by Haldimand County prior to the issuance of the certificate.
  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 easement. 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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                         |
  5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 28, 2025, after which time this consent will lapse.

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

**PLB-2023-024**

**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 **Trailside Townsend Limited Partnership**, where an easement will be created for the purpose of providing and maintaining servicing to the subject property. **Plan D37-5 Part of Unit 1, Registered Plan 37R10515 Parts 1 TO 4, Geographic Township of Townsend, known municipally as 100 Nanticoke Creek Parkway**

**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 description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.
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 easement. 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto: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                         |

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before March 28, 2025, after which time this consent will lapse.

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

**PLA-2023-017**

**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 **Trailside Townsend Limited Partnership**, relief is requested from the rear yard provisions of the Residential Type 4 (R4) Zone of Zoning By-law HC-1 2020. The relief is requested to facilitate approval of the Draft Plan of Subdivision on the subject property. **Plan D37-5 Part of Unit 1, Registered Plan 37R10515 Parts 1 TO 4, Geographic Township of Townsend, known municipally as 100 Nanticoke Creek Parkway**

**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.

**MINOR VARIANCES:**

**A) PLA-2023-009 Barb Bozikis and Charles Metcalfe**

Present: Barb Bozikis, applicant

The proposal is to request relief from the exterior side yard and accessory building area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the subject property.

No comment from the applicant. Member Ricker asked if access to the property was from Unity Side Road. The applicant confirmed that access was from Unity Side Road, and not Highway 6. Member Makey asked if there was plans for urban expansion into the area from Caledonia. The planner said that no urban expansion would be occurring in the area at this time. Member Bowman asked if there should be if there should be Ministry of Transportation and Conservation Authority conditions of approval. The planner said no concerns were expressed by the ministry or conservation authority, so no conditions were necessary. Member Ricker asked how the Building would know that a conservation authority permit would be required for the development. The supervisor said that County mapping used by the building inspectors would flag the requirement of conservation authority permitting for future development.

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 **Barb Bozikis and Charles Metcalfe**, to request relief from the exterior side yard and accessory building area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the subject property. **Range 1 East of Plank Road, West Half of Part Lot 3, Registered Plan 18R3488 Part 1, Geographic Township of Seneca, known municipally as 766 Highway 6**

**DECISION:**            **APPROVED**

**CONDITIONS:**    1. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6253 for further clarification regarding required extent/limits. 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 (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-2023-010            Chris Hotrum**

Present: Chris Hotrum, applicant

The proposal is to request relief from the front yard setback and Accessory building area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the subject property.

No comment from the applicant. Member Ricker asked if the tree at the front of the property had to be removed. The applicant said that it would have to be. Member Fleck asked if access to the garage would be from the existing driveway. The applicant said that access would be by the existing driveway.

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 **Chris Hotrum**, to request relief from the front yard setback and Accessory building area provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the subject property. **Concession 4, Part Lot 6, Registered Plan 18R3713 Part 1, Geographic Township of Rainham, known municipally as 471 Concession 4 Road**

**DECISION:**           **APPROVED**

**CONDITIONS:**   1. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6212 for further clarification regarding required extent/limits. 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 (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-2023-015                   Breanne Barnes and Jeremy Crooks**

Present: Jeremy Crooks, applicant

The proposal is to request relief from the accessory building area and building height provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the subject property.

No comments from applicant and 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 **Breanne Barnes and Jeremy Crooks**, to request relief from the accessory building area and building height provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a garage on the subject property. **Concession 3, Part Lot 6, Geographic Township of Sherbrook, no civic address**

**DECISION:**           **APPROVED**



**CONDITIONS:** 1. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. 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.

**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.

#### **MEMBER RICKER LEAVES CHAMBER**

**D) PLA-2023-021 Don and Pat Ricker**

Present: Ken Egger, representing applicant

The proposal is to request relief from the maximum dwelling unit area and secondary suite distance from principal residence provisions of the Agricultural Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a secondary suite on the subject property.

No comment from representative 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 **Don and Pat Ricker**, to request relief from the maximum dwelling unit area and secondary suite distance from principal residence provisions of the Agricultural Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a secondary suite on the subject property. **Concession 2 from Canborough, Part Lot 8, Geographic Township of Moulton, known municipally as 525 Diltz 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.

#### **MEMBER RICKER RETURNED TO CHAMBER**

## SIGN VARIANCES:

A)      **PLASGN-2023-018**                      **2690419 Ontario Ltd.**

Present:          No one present

The applicant proposes to post a sign on the east wall of the existing restaurant. Relief is requested from the provisions of the Haldimand County Sign By-law No. 1064/10 to permit the sign to be located above the first storey of the existing building. The proposed signs are to be approximately 2.28 metres (7.5 feet) by 1.016 metres (3.3 feet) in size.

Member Makey asked if the proposed sign would be illuminated. The planner said it was not proposed to be illuminated. Member Fleck asked if there were plans to have the sign be illuminated in the future. The planner said that there are no plans, and it is not configured to be illuminated. Any changes would be before the Building Department for changes. Discussions ensued over the requirements for yellow notice signs. It was noted that there was no statutory requirement for the posting of the yellow notice signs for sign variance applications. Various members of the committee suggested to staff that there may be need to formalize posting requirements. Staff agreed to look into it.

An explanation of the criteria for what is acceptable for signs versus what is not acceptable.

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 **2690419 Ontario Ltd.**, to post a sign on the east wall of the existing restaurant. Relief is requested from the provisions of the Haldimand County Sign By-law No. 1064/10 to permit the sign to be located above the first storey of the existing building. **Part Lots 3 and 4 South of Norton Street West, Village Plan of Cayuga, known municipally as 3 Norton Street West**

**DECISION:**                      **APPROVED**

**REASONS:**                  The relief requested is consistent with the intent and purpose of the Sign By-law and variance criteria.

## CHANGE Of CONDITION REQUEST:

**A) PLB-2022-122**

**Patrick and Debbie Martin**

Present: Carl Walker, agent

This application was provisionally approved at the September 13, 2022 Committee of Adjustment meeting. Through the review of their original plans, the applicant is requesting that Condition 8 of approval be revised to reflect new measurements for lot frontage and lot size, to change the proposed building location on the proposed parcel. The severed lands will have a frontage of approximately 17 metres (55.8 feet) and contain an area of approximately 0.32 hectares (0.8 acres). The retained parcel will contain an area of approximately 0.21 hectares (0.5 acres).

The agent asked that committee reconsider the condition requiring that the new house be connected to municipal services, and allow for the existing private servicing. Member Bowman asked for the reasoning for reconfiguration of the proposed parcel. The agent said that there were cost considerations, and that there would be no trees removed as the result of the changes. Additionally, the new configuration will not require further conservation authority approval or permitting.

The Committee made the following decision:

**PURSUANT** to Subsection 52(23) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Patrick and Debbie Martin, Part Lot 6 North of Haddington, Registered Plan 18R3079 Part 2, Urban Area of Caledonia**, known municipally as 334 Haddington Street

**DECISION:** Condition No. 8 on the Committee's decision, dated September 13, 2022, is amended and reads as follows:

**"Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 17 metres (55.8 feet) and contain an area of approximately 0.32 hectares (0.8 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](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office."**

## **OTHER BUSINESS:**

The minutes of the February 21, 2023 meeting were adopted as presented.

The meeting adjourned at 10:26 am.



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Chairman



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Secretary-Treasurer